104

S. HRG. 104–161

HEARING ON GUATEMALA

Y 4. IN 8/19: S. HRG. 104-161

Hearing on Guatemala, S.Hrg. 104-16... ARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

HEARING ON GUATEMALA

WEDNESDAY, APRIL 5, 1995

Printed for the use of the Select Committee on Intelligence

OCT 25 1995

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CONTENTS

Hearing held in Washington, DC:
April 5, 1995 1
Statement of:
Baucus, Hon. Max, a U.S. Senator from the State of Montana 162
Bryant, Robert M., Assistant Director, National Security Division, Federal Bureau of Investigation 164
Cohen, Hon. William S., a U.S. Senator from the State of Maine 26
Cornell, Allen, Colonel, USA, Ret. 129
DeWine, Hon. Mike, a U.S. Senator from the State of Ohio 35
Glenn, Hon. John, a U.S. Senator from the State of Ohio 46
Graham, Hon. Bob, a U.S. Senator from the State of Florida 39
Harbury, Jennifer, Widow of Efrain Bamaca Velasquez 134
Hutchison, Hon. Kay Bailey, a U.S. Senator from the State of Texas 43
Kerrey, Hon. J. Robert, a U.S. Senator from the State of Nebraska 2
Kerry, Hon. John F., a U.S. Senator from the Commonwealth of Massachusetts 30
Mack, Hon. Connie, a U.S. Senator from the State of Florida 163
Shelby, Hon. Richard C., a U.S. Senator from the State of Alabama 49
Specter, Hon. Arlen, a U.S. Senator from the Commonwealth of Pennsylvania 1
Studeman, William O., Admiral, Acting Director of Central Intelligence ... 12
Watson, Alexander F., Assistant Secretary for Inter-American Affairs, Department of State 3
Testimony of:
Barrett, John Q., Counselor to the Inspector General, Department of Justice 21
Cornell, Allen, Colonel, USA, Ret. 131
DeVine, Carol, Widow of Michael DeVine 126
Harbury, Jennifer, Widow of Efrain Bamaca Velasquez 138
Studeman, William O., Admiral, Acting Director of Central Intelligence ... 15
Watson, Alexander F., Assistant Secretary for Inter-American Affairs, Department of State 8
Supplemental materials, letters, articles, etc.:
Memorandum, dated April 6, 1995, to Mr. Chris Mellon, Senate Select Committee on Intelligence, from Mr. Jim Bodner, Legislative Assistant, Senator Cohen, re: Inserts for Committee Hearing Record on Nick Blake 53
1. United Press International Article, dated April 21, 1985 54
2. Associated Press Article, dated March 2, 1986 55
3. New York Times Article, dated April 3, 1990 59
4. The Boston Globe Article, dated November 26, 1993 61
5. New York Times Article, dated March 30, 1995 64
6. Detailed Chronology, Department of State 66
7. Telegrams from American Embassy Guatemala to SecState 72
8. Memorandum, dated 3 December 1985 75
9. Department of State Paper, Congressional Briefing 76
10. Letter, dated December 4, 1985, to Mr. Elliott Abrams, Assistant Secretary of State, Bureau of Inter-American Affairs, from Senators Cohen, Hart, Heinz, Mitchell, Specter, Moynihan, Kerry 77
11. Letter, dated February 25, 1986 to Senate Staffers from Sally Lounsbury, Senator Cohen 79
12. Letter, dated February 19, 1986 to Senator Cohen from U.S. Department of State 80

Page

Supplemental materials, letters, articles, etc.—Continued
Memorandum, dated April 6, 1995, to Mr. Chris Mellon, Senate Select Committee on Intelligence, from Mr. Jim Bodner, Legislative Assistant, Senator Cohen, re—Continued
13. Telegram, dated March 1986 to American Embassy Guatemala from American Embassy in Mexico 89
14. Letter, dated June 22, 1986, to Mr. Bob Carolla, Office of Senator George Mitchell from Mr. Randy Blake 90
15. Letter, dated October 24, 1986, from Senator Cohen and Senator Mitchell to Mr. Thomas A.D. Tharp, Deputy Assistant Secretary for Overseas Citizens Services, Department of State 93
16. Letter, dated November 4, 1986, from Senator Cohen and Senator Mitchell to the Honorable Oscar Padilla, Ambassador Extraordinary and Plenipotentiary, Office of the Embassy 94
17. Letter, dated November 4, 1986, from Senator Cohen and Senator Mitchell to Mr. Thomas A.D. Tharp, Deputy Assistant Secretary for Overseas Citizens Services, Department of State 95
18. Letter, dated December 9, 1986, to Senator Cohen from J. Edward Fox, Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State 96
19. Letter, dated December 2, 1986, to Senator Cohen from Alberto M. Piedra, Ambassador, U.S. Embassy Guatemala 98
20. Unclassified Memorandum of Meeting, dated September 3, 1987 .. 99
21. Message from USDAO, Guatemala to Defense Intelligence Agency, Washington D.C., dated September 1987. 102
22. Letter, dated October 2, 1987, from Senator Cohen to The Hon. George Pratt Shultz, Secretary of State 104
23. Letter, to Senator Cohen, from J. Edward Fox, Assistant Secretary, Legislative Affairs, U.S. Department of State 105
Los Angeles Times Magazine Article, "The Disappearance of Jack Shelton" 106
The Nation, Article by Allan Nairn 117

HEARING ON GUATEMALA

WEDNESDAY, APRIL 5, 1995

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Select Committee met, pursuant to notice, at 10:35 a.m., in room SD–106, Dirksen Senate Office Building, the Honorable Arlen Specter (chairman of the committee) presiding.

Present: Senators Specter, Shelby, DeWine, Hutchison, Cohen, Kerrey of Nebraska, Glenn, Bryan, Graham of Florida, Kerry of Massachusetts and Robb.

Also Present: Charles Battaglia, Staff Director; Chris Straub, Minority Staff Director; Suzanne Spaulding, Chief Counsel; and Kathleen McGhee, Chief Clerk.

Chairman SPECTER. The Committee will come to order.

Today we will proceed to inquire into the events surrounding payments by the CIA in Guatemala and the allegations which have been widespread in the public media about alleged improprieties.

We will be seeking to find answers to a number of questions: First, did the CIA continue to make payments to the Guatemalan military after U.S. policy was articulated in December 1990 to stop all such payments; second, did the CIA make payments to Guatemalan Colonel Alpirez after there was substantial evidence incriminating him into the murder of U.S. citizen Michael DeVine; and third, why did the Department of Justice decline to pursue a criminal prosecution against Colonel Alpirez?

A portion of our inquiry today will be conducted in a closed session because of our concern not to release or reveal sources or methods. There has been widespread publicity and notoriety to these events. And in stating the three questions, that's only a portion of the issues to be inquired into. But it is our thinking that there ought to be this hearing so that the American people will learn in an official way what has happened.

It presents Admiral Studeman of the CIA with an opportunity to make a public on-the-record response to a great many charges and allegations which have appeared in the media. The acting director of the CIA has advised us that he welcomes this opportunity to make this formal statement.

We will not be questioning Admiral Studeman in open session because of the sensitivity on the disclosure of sources and methods, but we will hear other witnesses in the public session. We will hear testimony from Ambassador Alexander Watson, from Colonel Allen Cornell, from Mrs. Carol DeVine, the widow of the American citizen, Michael DeVine, who was murdered in Guatemala, and from

Ms. Jennifer Harbury, the widow of Commander Efrain Bamaca Velasquez.

I yield now to the distinguished Vice Chairman, Senator Kerrey.

Vice Chairman KERREY. Thank you very much, Mr. Chairman.

First of all, you're right to hold an open hearing on this topic. Because of this Committee's oversight responsibilities, it is our duty to examine all the facts surrounding allegations of CIA involvement in the murders of Michael DeVine and Efrain Bamaca and to act upon those facts. I thank all the witnesses in advance for what may be a very emotional and very painful hearing.

It is past time to replace speculation and anonymous sources with facts, for the sake of the victims and because the credibility and the trustworthiness of the CIA is again at issue.

I see four general lines of inquiry. First, we need to know the details of the DeVine and Bamaca cases.

Second, we need to review U.S. interests and the U.S. policy purposes in Guatemala.

Third, we should consider Guatemala as a case study in the perils of secrecy.

And fourth, every action of government is accountable to its citizens, and we should use this opportunity to inform the public, including the mistakes we made in these cases.

We on the Committee already know something about these cases because of classified agency briefings. It is important to bring out as many of those classified facts as possible, but the decision to declassify them and make them public resides in the executive branch and not with this committee.

Concealing information in a murder investigation is extremely serious. Concealing information from the spouses of murder victims years after the crime is, in my view, a very bad decision.

The American people's confidence in the CIA's ability to operate in accordance with American values has been called into question. The subject is Guatemala, but the impact on support for the CIA's future role will be global. I remind my colleagues there are genuine concerns here about intelligence sources and methods. Like Admiral Studeman, we walk the line between full disclosure on the one hand and possibly endangering people who are secretly providing information to the United States on the other. Even in this post-cold war world, we need intelligence sources and we need to protect them. We do need secrecy.

Well-placed sources in foreign governments will not provide sensitive information to CIA officers if there is a good chance their name will appear in the U.S. press. So, if CIA claims a need to protect sources, there are likely to be some good reasons.

Mr. Chairman, I have a number of questions and lines of inquiry. Again, I look forward to what I hope will be a fair and calm process that will answer these questions and the questions of my colleagues.

Chairman SPECTER. We will have 10 minute rounds, so that the Members will have an opportunity for brief opening statements in that period. And in the interest of time, we will proceed to you, Admiral Studeman.

And I would repeat that we are all very sensitive to protect sources and methods, and any questions will be asked of you in

closed session. But this will give you an opportunity, for the record, to make a reply to the allegations which have been in the media about the CIA. And you may proceed.

Admiral STUDEMAN. Thank you, Mr. Chairman. I think a logical order of march here is to have Ambassador Watson precede me to provide a stage-setting comment, and then I will follow.

Chairman SPECTER. If you would prefer to yield to Ambassador Watson, so be it.

[The prepared statement of Mr. Watson follows:]

PREPARED STATEMENT OF ALEXANDER F. WATSON

UNITED STATES POLICY TOWARD GUATEMALA:

THE CASES OF MICHAEL DEVINE AND EFRAIN BAMACA

Mr. Chairman:

I welcome this opportunity to appear before you and your colleagues on the Senate Select Committee on Intelligence to discuss United States policy in Guatemala and the killings of Michael Devine and Efrain Bamaca. The President has asked the Intelligence Oversight Board (IOB) to conduct a thorough review of all aspects of the allegations associated with and the policy issues raised by these two cases. The IOB will review the facts surrounding these cases and make appropriate recommendations. As the Secretary stated before the Congress last week, should disciplinary or other such action be indicated, it will be taken. The administration will provide to the American people as much information about the review as possible. The Secretary has already recommended the fullest disclosure possible.

Mr. Chairman, promotion of human rights abroad is a fundamental principle guiding the Clinton administration's foreign policy. The responsibility to protect and assist American citizens abroad is a particularly compelling obligation assigned to the men and women of our foreign service. This statement therefore deals in large part with how the Department and our embassy in Guatemala discharged those responsibilities in the two cases at hand. Your staff has indicated, however, that an overview of United States policy in Guatemala—and how it has evolved over time—would be helpful. Let me do that before turning to the cases of Michael Devine and Efrain Bamaca.

OVERVIEW OF U.S. POLICY IN GUATEMALA

Guatemala is a deeply troubled country. It is sharply divided along ethnic and social lines. The peasantry live in acute poverty. Decades of authoritarian and often extremely violent politics have inhibited the growth of democratic institutions. Promising political leaders have often been assassinated or driven into exile. The security forces have long violated human rights with impunity. A virulent left-wing insurgency practiced a policy of "take no prisoners" and assassinated U.S. Ambassador John Gordon Mein in 1968. In recent years electoral politics have begun to function, but these democratic developments remain fragile.

When the Central American crisis erupted in Nicaragua and El Salvador in the late 1970's, our relations with Guatemala were problematic. The United States had provided substantial assistance to Guatemala under the auspices of the Alliance for Progress. Promotion of greater respect for human rights became a particular concern under the Carter administration. The emphasis on human rights and the conditionality the United States placed on military assistance in particular stimulated a nationalistic backlash among the Guatemalan military officer corps, leading it in 1977 to reject our military aid. It would not be restored until fiscal year 1986.

In the late 1970's and early 1980's, the guerrilla insurgency acquired much larger dimensions. It was met by an increasingly brutal counter-insurgency campaign carried out under a succession of military leaders: Laugerud Garcia (1974–78); Lucas Garcia (1978–1982); and Rios Montt (1982–83). Large-scale out-migration of Guatemalans began during this period, some 45,000 taking refuge in Mexico. Several hundred thousand Guatemalans who were uprooted by the war reside in the United States today; about 100,000 have pending asylum claims. There is no generally accepted figure for the number of Guatemalans killed during the conflict, but estimates range upward from a hundred thousand. Human rights abuses throughout this period were pervasive and systemic. They are well-documented in the annual human rights reports of the Department and in those of non-governmental organiza-

tions. It was also under Rios Montt that the military formed community-based civil defense patrols (PACs) and armed the nearly half million Indian peasants who were recruited into them. In time two problems associated with the PACs emerged: forced recruitment into their ranks and human rights abuses which they committed. In 1983 Rios Montt was overthrown by the Guatemalan Army itself. His Defense Minister, General Mejia, was named head of state and moved to hold constituent assembly elections the following year.

Following adoption of a new constitution in 1985, Guatemala held free and fair elections, won by the Christian Democratic candidate, Vinicio Cerezo. During the next eight years, between 1985–1992, the United States provided Guatemala approximately 936 million dollars total aid. Approximately $33 million of that amount was military, including financing and training. This was a significant amount of total aid but, for purposes of comparison, in the same period we gave $2.5 billion dollars to El Salvador and $1.175 billion to Honduras. In terms of aid per capita, the disproportionality was even more pronounced. El Salvador received between four and five times as much total aid per capita as Guatemala. The Bush Administration suspended military assistance—both financing (FMF) and grant aid (MAP)—in 1990 after concluding that elements of the military were responsible for the murder of American citizen Michael Devine. Our total aid in 1993 and 1994 was approximately $113 million, of which $148,000 went to IMET programs.

When Cerezo took office in January 1986, a regional diplomatic effort spearheaded by Mexico, known as the Contadora Process, had been underway for nearly three years. It was about to give way to an all-Central American initiative—the Esquipulas Process. Both diplomatic efforts were aimed at bringing the Central American insurgencies to an end through peaceful negotiations and national reconciliation. The Esquipulas Process produced a series of agreements beginning in 1987 that provided the framework for free elections in Nicaragua in 1990 and the resulting demobilization of the Nicaraguan "contras." Peace negotiations had begun on a separate track in El Salvador in 1984; they eventually culminated in the historic 1992 comprehensive accords that ended that conflict.

In Guatemala, President Cerezo initiated talks with the Guatemalan guerrilla umbrella organization—the URNG—in 1987. Those talks made only limited progress but were continued and made more headway under President Serrano, elected in 1990. It was during Serrano's term, in the last year of the Bush Administration, that the United States initiated direct contacts with the URNG to encourage forward movement in the peace process. This support for the peace process has intensified during the Clinton Administration, when at the request of the Guatemalan Government and the URNG, the United States joined five other governments to constitute a "Group of Friends of the Peace Process."

President Cerezo completed his term and became the first civilian elected leader in Guatemala's history to turn power over to another civilian elected leader—Jorge Serrano, in 1991. President Serrano betrayed his oath of office to uphold the constitution and attempted to dissolve the Congress and Supreme Court on May 25, 1993. In the ensuing twelve-day crisis, the Clinton Administration worked intensively to get democracy back on track. We collaborated closely with the Organization of American States, other interested governments, including Mexico, and with key sectors of Guatemalan society itself to produce a peaceful, constitutional outcome. The result was the departure of Serrano and the election by the Guatemalan Congress of Ramiro De Leon Carpio, the widely respected human rights ombudsman. At the conclusion of the crisis it was clear that the Guatemalan military had acted responsibly. In particular, the military had backed the finding of Guatemala's constitutional court that the actions of Serrano and his vice president were unconstitutional.

De Leon's selection and the role of the military during the crisis gave us considerable hope that Guatemala could move to further consolidate its democracy, improve respect for human rights and end its insurgency through negotiations. Nothing would have a more dramatic and immediately favorable effect on the human rights situation than an end to the internal conflict. Our policy has thus placed considerable emphasis on that goal.

In January 1994 the government and URNG resumed negotiations and agreed to a new framework agreement and timetable for concluding the talks. Under the new framework the talks were moderated by the United Nations and the Friends were given a supporting role. We appointed a special representative to the Friends Group to give our own support emphasis and focus.

Under the calendar, the parties laid out a schedule of issues to be negotiated and set the end of 1994 as the date for a comprehensive agreement. Talks made excellent progress during the first half of 1994. Three accords were particularly noteworthy. A human rights agreement reached in March last year provided for a Unit-

ed Nations Human Rights Verification Mission (MINUGUA), which has now deployed 313 human rights monitors throughout Guatemala. The accord also provides that the Human Rights Ombudsman has the responsibility to verify that service in the Civil Defense Patrols is voluntary and to determine whether PAC members have committed human rights abuses. The Government declares it will not support these patrols or arm new volunteer civil defense committees once peace is obtained. Acceptance by Guatemala of this international presence was a hopeful sign of its growing desire to abide by internationally accepted norms of human rights.

The Guatemalan government and the URNG also reached accords on aid to persons displaced by the war, which is already attracting international economic and technical support, and for a Historical Clarification Commission. The latter accord provoked controversy. The commission will begin to function only after a comprehensive agreement is reached. It will have the mandate to make a public report on human rights violations committed by both sides during the war but it does not have the authority to assign individual responsibility and its findings are not to be used for prosecutions.

Partly owing to the adverse reaction to this accord from within its own ranks, the URNG suspended talks in June, 1994. Negotiations did not resume until last October. Progress thereafter was slow, but last week, in Mexico City, the parties signed a fourth agreement concerning the rights of Guatemala's indigenous population. The parties are now attempting to reach a final peace accord by a new target date of this August. That is an ambitious goal, especially as Guatemala holds presidential elections in November and the De Leon transitional presidency is drawing to a close. The Clinton Administration believes that the peace talks still offer the most concrete hope for ending the last of Central America's internal wars and for bringing about a lasting improvement in respect for human rights in Guatemala. In a step full of symbolism, last year we redirected the remaining $4.6 million of the military assistance suspended in 1990 into a Peace Fund to support implementation of peace accords. In sum, the peace talks are key to Guatemala's future and will continue to receive our full support.

That is not to say that our human rights policy in Guatemala is limited to support for the peace process. Far from it. Read our human rights reports. They are candid and detailed. They pull no punches. We believe that they have encouraged Guatemalan human rights supporters and that our policy has given them some protection and greater space to act. Our human rights policy is not confined to advocacy and support of cases in which we have a United States citizen interest. We have been vocal and active in countless others as well—the cases of Myrna Mack, Maritza Urrutia and Amilcar Mendez to cite just three cases active in recent years.

Our human rights policy also seeks to strengthen Guatemalan institutions that have responsibility for protecting and improving respect for human rights. Specifically, we have:

—supported the Office of the Human Rights Ombudsman to improve its ability to gather and analyze information on human rights abuses. Grants totalling $2.6 million in the last five years have enabled the office to set up regional bureaus, install a computer tracking system and extend education programs to indigenous audiences.

—launched this year a three-year, $2 million program of education, technical assistance and other support to help indigenous and grassroots non-governmental organizations increase participation of the disenfranchised in civil society;

—worked to improve the administration of justice through a $5 million project to increase the judicial system's independence and professionalism and supporting efforts by the Public Ministry and MINUGUA to prepare cases for trial under a new Criminal Procedures Code that took effect last July;

—assisted municipalities to pursue legal reforms through the Local Government Outreach Strategy Project;

—provided training to civilian investigators in the Public Ministry; and

—supported the protection of street children by providing financial assistance to NGO's and the children's bureau of the Human Rights Ombudsman's office.

Let me say that we see no conflict between our participation in the peace process and our pursuit of human rights. Indeed, we view these efforts as complementary. The first major accord in the peace process deals precisely with halting violations of human rights. It is only by guaranteeing basic human rights and political freedoms that democracy becomes fundamental and accessible to all Guatemalans and national reconciliation can be assured.

In sum, our human rights policy is comprehensive and multifaceted. We seek to protect the rights of individuals and pursue with diligence specific cases of abuse. We actively support Guatemalan efforts to build the institutions of democracy and law which ultimately are the only guarantee of human rights. We make clear our

commitment to constitutional government and free and fair elections. We participate in the peace process whose ultimate objective is to create the conditions for democratic progress.

Mr. Chairman, hundreds of thousands of American tourists visit Guatemala every year—not only Guatemala City and the major attractions of Antigua, Lake Atitlan and Chichicastenango. They also visit the Mayan sites of the Peten and the less accessible highlands. Protection of citizens who encounter problems is an interest to which we devote considerable resources: publication of consular information sheets and travel advisories; warden systems for checking on the welfare of citizens in the event of a natural disaster. In Guatemala we devote the services of one consular officer full time to the needs of U.S. citizens. Other consular staff lend assistance as required and on occasion consular welfare cases become the all-consuming focus of the entire embassy team. There have been numerous instances of such all-out efforts in the last two years in particular, as violent crime throughout in Guatemala has increased. Kidnappings have been a problem in the last year. In those cases we turn to Guatemalan authorities—political, police and sometimes military for help. Cooperation is generally quite good. I make that point because—in fairness to the Guatemalan government and people—it's the truth.

It is not always the case, however. Let me now turn to the two cases that bring us here today. These cases date back to the early 1990's but, as they are unresolved, they remain of concern to us. In both instances, we worked with two courageous American women whose testimony you will hear today.

Case of Michael Vernon Devine

U.S. citizen Michael Devine was murdered June 8, 1990 near his ranch in Poptun, Guatemala. Given the remote location and the absence of any police investigative ability in the area, our embassy in Guatemala initially sought investigative assistance from the Guatemalan military. The embassy concluded in a matter of weeks, however, that the military itself was likely involved. Thereafter, and until the senior military commanders at the time of Devine's murder were replaced, we pressed our interest in resolving the case with the civilian government, first under President Cerezo and thereafter with Presidents Serrano and De Leon. Our goals throughout were to see the killers, intellectual authors and senior officers whom we believed to have covered up the crime face punishment and, in doing so, to have civilian control over the military effectively exerted.

In December 1990, and to drive home our dissatisfaction with the lack of real progress toward achieving these goals, the Department suspended FMF and MAP expenditures, both committed funds in the pipeline and new assistance, to the Guatemalan military. It also stopped authorization of the commercial sale of defense items to Guatemala's military. We maintained a small IMET program totalling $772,000 between 1991 and 1994.

Sheer persistence on the part of former Ambassador Stroock and his staff, together with the effective and courageous work of a private investigator and a Guatemalan attorney hired by Mrs. Devine, resulted in the conviction by a military court of five enlisted men for the murder in September 1992. The men were given 30-year sentences. Those sentences subsequently were upheld by the Supreme Court of Guatemala. Those men are now serving those sentences. Following continuous pressure by our Chargé d'Affaires and the Embassy after Ambassador Stroock's departure in November, 1992, Guatemalan army Captain Hugo Contreras was also tried and convicted of complicity in the murder in May, 1993. He was given a 20-year sentence but, in our view, was allowed to escape from military custody the very same day. We have pressed continually for the Guatemalan military to find and reapprehend Contreras. Following her arrival in Guatemala in June, 1993, our new Ambassador, Marilyn McAfee, pressed continually for the Guatemalan military to locate and reapprehend Contreras. We have not been successful but neither have we abandoned that effort.

We believe that senior officials of the Guatemalan Army likely ordered the detention and interrogation of Michael Devine, possibly in connection with a case of missing army rifles. We have absolutely no reason to believe that Devine was engaged in any illegal or even improper activity. Nor is it the case that Devine was a DEA informant, as has been alleged in the press. It is virtually certain that the two colonels (Garcia Catalan and Portillo) who commanded the base from which the five enlisted men operated were conspirators in the subsequent coverup. We have conflicting information on the role of Colonel Alpirez. The bulk of the information suggests that he was involved in a coverup. The Embassy repeatedly pressed and continues to press the Government of Guatemala and senior military officials themselves to obtain an honest account from Alpirez and others.

Case of Efrain Bamaca Velasquez

Guatemalan guerrilla Efrain Bamaca Velasquez disappeared on March 12, 1992 after a firefight with the Guatemalan army. For nearly a year, his American citizen wife, Jennifer Harbury, told us she believed he died in combat. However, a former guerrilla, Santiago Cabrera Lopez, testified in February 1993 that, while detained by the Guatemalan military, he had seen Bamaca alive in military custody at the San Marcos military base in March and July 1992. At that point, Ms. Harbury contacted our Embassy for the first time on March 9, 1993, identifying herself as Bamaca's wife and seeking our assistance. The Embassy responded quickly, mobilizing all elements of the Embassy team to raise the case with their contacts in the Guatemalan Government to seek new information. On March 15, our Chargé d'Affaires raised the case with the Guatemalan Attorney General.

On March 18, Embassy officials contacted then Human Rights Ombudsman Ramiro De Leon. He told them of inquiries about Bamaca the previous year—in 1992—from the URNG and the approaches he made as a result to the Guatemalan military. The military claimed Bamaca was probably buried in an unmarked grave in Retalhuleu, the site of the firefight. De Leon had obtained permission to exhume the grave in May, 1992, but the proceeding was halted on the grounds that no family members or dental or other identifying records were present.

On March 22, 1993 the Embassy raised the case with the Guatemalan president's top human rights adviser. We also raised the case directly, in several channels, with senior military and military intelligence officials. From the outset, however, and to this day, the Guatemalan military maintained that they did not capture Mr. Bamaca.

Ambassador McAfee addressed the subject of clandestine prisons—an issue raised by the Bamaca case—with President De Leon July 11. She brought up the same issue, specifically referring to the Bamaca case with Minister of Defense Enriquez July 29 and did so again with President De Leon August 2. This pattern of aggressively pressing our interest in the Bamaca case continued throughout 1993 to the present. U.S. Government officials met with Ms. Harbury frequently and at high levels in Washington and Guatemala, a reflection of our extraordinary interest in the case. Ambassador McAfee made herself continuously available. In Washington Ms. Harbury met on numerous occasions with senior officials in our Bureau of Inter-American Affairs, with Assistant Secretary for Democracy, Human Rights and Labor Affairs John Shattuck, with Ambassador Geraldine Ferraro and with National Security Adviser Anthony Lake.

During Ms. Harbury's October-November 1994 hunger strike in Guatemala City, Ambassador McAfee visited her frequently and a consular officer visited her daily. Concerned for her physical safety, they had the Embassy's security guard visit the central plaza where she conducted the strike several times a day. Photographs of a visit to her by Ambassador McAfee and my senior adviser Richard Nuccio appeared on the front pages of most Guatemalan dailies, conveying a graphic message of official U.S. protection, support and concern.

At the same time we were asking our intelligence services to search their files and data bases for all available information, to evaluate and re-assess the information available (as is often the case, much was from secondary or subsources) and to collect new intelligence. As additional information was acquired, we became more and more persuaded that the Guatemalan military had in fact captured Bamaca in 1992. The Department instructed Ambassador McAfee to meet with President De Leon on November 11, 1994. The Ambassador told De Leon that, according to information available to the USG, Bamaca was captured alive by the military, transferred to the San Marcos military base and that his wounds were not life-threatening. She also told him that, as President, he had a responsibility to ensure that the investigation underway should be vigorously pursued to confirm the facts of the case, and to take appropriate strong action.

On the same day, Ambassador McAfee met with Jennifer Harbury, who had just ended her hunger strike. Ambassador McAfee told Ms. Harbury that she had informed President De Leon that we had credible information that Bamaca had been captured alive by the military and that his wounds were not life-threatening. The Ambassador also shared with Ms. Harbury our candid assessment that there were unfortunately no indications that Bamaca survived much beyond the first few weeks of his captivity. Ms. Harbury understandably wanted to know more. We felt that we had a strong obligation to share with her our best assessments drawn from intelligence sources—once we were confident of them—but could not share specific intelligence without putting at risk the people who were helping us find out what happened.

As additional information was acquired in the ensuing months, the intelligence community became increasingly persuaded that Bamaca had in fact been killed while in military custody. On several occasions between December 1994 and March 1995 administration officials told Ms. Harbury of our belief that, while we lacked conclusive evidence, Bamaca had not survived. Ms. Harbury during the same period told us of numerous instances of people coming to her anonymously with reports that Bamaca had recently been seen alive in military custody. The only such report lending itself to verification turned out to be bogus. None of the intelligence supported Ms. Harbury's hope that Bamaca was still alive and we repeatedly conveyed that painful message.

When in late January of this year additional intelligence was received and evaluated, we instructed Ambassador McAfee to approach President De Leon again, urging him to order the re-interrogation of senior military officers who might have been involved in Bamaca's disappearance. We specifically urged that Colonel Alpirez be interrogated again. We did not assert to President De Leon any conclusion as to Colonel Alpirez' role—the information available was not sufficiently definitive—but we were confident that Alpirez must have had direct knowledge of what happened to Bamaca and we urged in no uncertain terms that he be interrogated again.

Ambassador McAfee made this demarche on February 6. On February 8 Department officials informed Ms. Harbury of the demarche, telling her as well that "the information available to us, while it is not conclusive, suggests your husband was killed following his capture." It was the considered view within the administration, however, that we could not properly mention Alpirez' name to her because it might prejudice the investigation we expected President De Leon to undertake and because we could not draw a definitive conclusion about Alpirez' role in the Bamaca case. Most importantly, it would have put at risk the people who were confidentially helping us. When, after a month, Alpirez still had not been questioned again, we announced on March 10 the suspension of the participation of Guatemalan military personnel in IMET programs conducted in the United States for the remainder of FY 1995. Our announcement of that suspension also contained the considered assessment of the U.S. intelligence community that Bamaca had died in Guatemalan military custody.

Mr. Chairman, I do not want to leave this subject without saying again how much we sympathize with Mrs. Devine, Ms. Harbury—with all those who have lost a family member in circumstances such as these. We understand, too, the pain, the frustration and the anger that they feel when we cannot answer all the questions that torment them. At the same time, we made extraordinary efforts on behalf of Carol Devine and Jennifer Harbury—as we did earlier in the cases of Nicholas Blake, Griffin Davis and Sister Dianna Ortiz. We acted in good faith throughout, doing our best to help them and to share with them as much information as we could.

We have pressed the Guatemalan government hard on both the Devine and Bamaca cases and we will continue to do so. Indeed, on instructions of Secretary Christopher, Ambassador McAfee met with President De Leon last night, delivering a personal message from the Secretary underscoring the importance that we attach to seeing justice achieved in these cases. For our part, we are prepared to provide the cooperation and assistance of our Federal Bureau of Investigation. For its part, we believe Guatemala could do much more to find and imprison Captain Contreras. We believe Guatemala has yet to conduct the kind of vigorous, credible inquiry in the Bamaca case that we have consistently called for and we will stay the course on that issue, too. We will continue to protect U.S. citizen interests in Guatemala to the best of our ability. We will speak up and remain active in our Guatemalan human rights policy across the board and we will stay engaged in support of the peace process and the consolidation of what is still a very fragile, imperfect democracy. Enlightened policy demands no less.

TESTIMONY OF ALEXANDER F. WATSON

Mr. WATSON. Thank you, sir. Thank you, Bill. Thank you, Mr. Chairman.

I welcome this opportunity to appear before you and your colleagues on the Senate Select Committee on Intelligence to discuss U.S. policy in Guatemala and the human rights cases of Michael DeVine and Efrain Bamaca.

The President and Secretary Christopher are committed to a thorough review of all aspects of the allegations associated with these two cases. And the Intelligence Oversight Board will examine

the facts and make appropriate recommendations. Should disciplinary action be indicated, it will be taken. And Secretary Christopher has recommended the fullest disclosure possible to the American people.

Mr. Chairman, promotion of human rights is a fundamental principle of this administration's foreign policy, and protecting and assisting American citizens abroad is the most solemn obligation of the State Department. I would like to focus in these summary remarks on how we have dealt with the cases of Michael DeVine and Efrain Bamaca in terms of these policy objectives, as well as our overall policy toward Guatemala.

And I would ask, sir, that my full remarks be entered into the record of the Committee.

Chairman SPECTER. Your full remarks will be made a part of the record.

Mr. WATSON. Thank you very much, sir.

Guatemala is a deeply troubled country. It is sharply divided along ethnic lines. Decades of authoritarian and often extremely violent politics have inhibited the growth of democratic institutions. Promising political leaders have often been assassinated or driven into exile. The security forces have long violated human rights with impunity. A virulent left-wing insurgency practiced a policy of take no prisoners and assassinated American Ambassador John Gordon Mein in 1968. In recent years electoral politics have begun to function, but these democratic developments remain extremely fragile in Guatemala.

Let me just make a few points about the difficult situation our policy confronts in that country. First, there has been only one transfer of power from a civilian elected president to another in Guatemala's entire history. That came in 1991 when Vinicio Cerezo was succeeded peacefully by Jorge Serrano. Guatemala's fragile democracy was threatened only two years later, however, in May 1993 when President Serrano himself attempted to dissolve the congress and the supreme court. The Clinton administration energetically assisted the efforts of the international community, and of enlightened Guatemalans to produce a peaceful and constitutional outcome, and Ramiro De Leon Carpio, the human rights ombudsman who had gained international attention for his courageous behavior, took office with the support of the military in a process that fully respected constitutional procedures.

Second, compared with other countries of Central America, Guatemala has not been a major recipient of U.S. assistance, nor military aid. During the years from 1985 to 1992, the United States provided Guatemala approximately $936 million in total aid, and of that approximately $33 million of it was military assistance. That relatively modest military assistance was suspended by President Bush when he concluded that elements of the military were responsible for the murder of American citizen Michael DeVine.

Our total aid in 1993 and 1994 was approximately $113 million, of which $226,000 went to the non-lethal military training programs. No military assistance per se, but military training programs of a non-lethal nature. An important element of our assistance to Guatemala goes to strengthen institutions that protect human rights, such as to fund the Office of the Human Rights Om-

budsman, to provide support to indigenous and grass roots organizations, to improve the administration of justice, to train civilian investigators, and to protect street children.

Our consular staff is also dedicated to protect and serve the hundreds of thousands of American tourists who visit Guatemala every year.

Third, a negotiated solution to Guatemala's protracted guerrilla conflict is critical to improving human rights and to deepening Guatemala's weak democratic experience. After years of stalemate, the peace process made important progress in 1994, signing several agreements and deploying a 300-plus person United Nations human rights verification mission in Guatemala. The talks slowed late in the year, but they have produced another breakthrough in the signing of a key accord on indigenous rights and identity last week in Mexico. The peace talks are the key to Guatemala's future, and we will continue to support them fully.

Now, our emphasis on protecting human rights and the lives of American citizens has produced successes in Guatemala, but we've also had major disappointments. The murder of Michael DeVine in June 1990 is one tragic example. The efforts of his widow, Carol DeVine, who is here with us today, and those of our embassy, convinced us long ago, not long after the murder, that the Guatemalan army itself was involved in that crime. We have pressed three successive governments to identify the killers and the intellectual authors of the crime and those involved in the attempted coverup. Dissatisfaction with the responses we received prompted the suspension of military assistance to the Guatemalan armed forces in 1990, which I mentioned.

Persistence, courage, and cooperation between the DeVine family and embassy staff resulted in the convictions of five enlisted men for the murder in September 1992. An army captain, Hugo Contreras, was also tried and convicted in 1993. But that achievement of the Guatemalan judicial system was undercut when Contreras was allowed to escape from military custody shortly thereafter.

We believe that senior officials of the Guatemalan army likely ordered the detention and interrogation of Michael DeVine, possibly in connection with a case of missing army rifles. We had conflicting information about the involvement of one officer, Colonel Julio Roberto Alpirez, in the DeVine case, but the bulk of the information available to our people at that time suggested that Alpirez was among those who participated in the coverup. We have pressed and will continue to press for justice in this case.

Let me turn for a moment to the case of Efrain Bamaca. Based on the testimony of a former guerrilla and army collaborator, Santiago Cabrera Lopez, Ms. Jennifer Harbury told us she became convinced in early 1993 that her husband has survived interrogation and torture by the Guatemalan army. She first came to our embassy in March 1993 seeking our assistance. Within six days of that request, our Chargé d'Affaires was inquiring of the attorney general of Guatemala about the case. A few days later, our embassy heard from the then human rights ombudsman, Ramiro De Leon, now president of the country, that he had made inquiries about Bamaca the year before, had concluded that Mr. Bamaca was

dead. We also raised the case with the presidency of Guatemala, with senior military and intelligence officials, all of whom maintained that Bamaca was never even captured by the military.

During this period of great confusion politically in Guatemala—it's the period I mentioned before when President Serrano tried to suspend the supreme court and the congress, and it was a complex process which resulted in Mr. De Leon becoming president—during this period of great confusion, the embassy team worked tirelessly to press for results and to obtain new information.

When De Leon became president, our new ambassador, Marilyn McAfee, asked about the existence of clandestine prisons, an issue directly raised by the Bamaca case. She pursued the issue with the Minister of Defense in July and again with President De Leon in August. And during this period, U.S. Government officials met with Ms. Harbury frequently and at high levels in Guatemala and Washington. Her meeting with National Security Advisor Anthony Lake confirmed our extraordinary interest in the case.

During Ms. Harbury's second hunger strike in Guatemala during October and November 1994, Ambassador McAfee and our embassy staff were with her daily. And photographs of a visit to her by Ambassador McAfee and my senior adviser, Rick Nuccio, conveyed a message of official U.S. protection, support, and concern on the front pages of Guatemala's national dailies.

Energetic intelligence collection efforts, as well as searches of files and data bases about the Bamaca case, began to yield results in October 1994. With additional reports, we became persuaded that the Guatemalan military had indeed captured Bamaca alive in 1992, and Ambassador McAfee presented these conclusions to President De Leon on November 11 and to Ms. Harbury that same day. She told both that our information indicated that Bamaca was captured alive, was transferred to the San Marcos military base and that his wounds were not life-threatening. The ambassador urged a further investigation to determine the facts of the case and to take appropriate action. And we let Ms. Harbury know that we could not confirm at that time that Bamaca had lived beyond the first few weeks of captivity. We just had no information that indicated that he was still alive.

Over the ensuing months, and based on more information which we were collecting, we reached even stronger conclusions about Bamaca's fate and communicated these in increasingly direct terms to Ms. Harbury. While accepting the information that he had been captured alive, as the army knew what had happened, she told us that she continued to receive reports that her husband had been seen alive and she said she believed he might still be in military custody, and we tried to chase those reports down as best we could.

When in late January of this year, additional intelligence was received and evaluated, we instructed Ambassador McAfee to approach President De Leon again. We suggested that he should reinterrogate certain senior military officers, and specifically urged that Colonel Alpirez be among them. We could not give President De Leon definitive information about Colonel Alpirez's role, but we were confident that he must have had direct knowledge of what happened. This demarche to the president occurred on February 6. On February 8, department officials informed Ms. Harbury about

the demarche, including that the information available to us, while not conclusive, suggested that Mr. Bamaca had been killed following his capture.

One month later, with no movement of any kind by the Guatemalan government, we took the additional step of suspending the participation of Guatemalan military personnel in international military exchange and training programs conducted in the United States for the remainder of this year. That announcement also contained the considered assessment of the U.S. intelligence community that Bamaca had died in Guatemalan military custody.

We wish, Mr. Chairman, that we had produced better or quicker results in this case and that of other human rights cases of concern to us and to Guatemala. And I sympathize deeply with Ms. Harbury, Mrs. DeVine, and all those who have lost loved ones in circumstances such as these. I know that our inability to provide answers to all the questions that torment them cause pain, frustration, and anger. But I also believe that we acted in good faith throughout, doing our best to help them and to share with them as much information as we could.

Our dissatisfaction with the response of the Guatemalan government is manifest in our actions. Last evening, on instructions from Secretary Christopher, Ambassador McAfee met with President De Leon again, delivering a personal message from the Secretary underscoring the importance that we attach to seeing justice achieved in these cases. We believe that Guatemala can and must do more to find and imprison Captain Contreras, and a vigorous and credible investigation of the Bamaca case has, in our view, not even begun.

When Guatemala is ready to confront its tradition of impunity, we will provide the cooperation and assistance of the Federal Bureau of Investigation. We will continue to protect U.S. citizen interests in Guatemala to the best of our ability. We will speak up and remain active in our Guatemala human rights policy across the board and we will stay engaged in support of a reinvigorated peace process and the consolidation of what is still a very, very fragile and imperfect democracy.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you, Ambassador Watson.

We'll turn now to Admiral Studeman.

[The prepared statement of Admiral Studeman follows:]

PREPARED STATEMENT OF ADMIRAL WILLIAM O. STUDEMAN

Mr. Chairman, Members of the Committee, it is important that we speak to you and the American people today about issues related to CIA's involvement in Guatemala. The allegations made are serious and the issues are complex. I would like to be as expansive as possible, given the open and unclassified nature of this hearing. There are classified aspects of this which I will not be able to address and, regretfully, I will have to defer these issues to closed session. Similarly, as you know, most of the issues I will address are under review by various inspectors general or the Justice Department working with the Intelligence Oversight Board tasked by the President. Finally, neither the DCI nor CIA makes foreign policy; accordingly, questions related to policy need to be deferred to the State Department and the National Security Council. Nevertheless, given the treatment of these issues and the media comments, I will provide what I believe to be the facts or conclusions that I know at present.

Extremely serious allegations have been made regarding CIA's conduct in the events surrounding the murder of the U.S. citizen Michael Devine in June 1990, and the fate of the Guatemalan insurgent leader Efrain Bamaca Velasquez. Let me state emphatically that the CIA is not complicit in the murder of Mr. Devine nor in the apparent killing of Mr. Bamaca. Nor has the CIA deliberately withheld information. On the contrary, CIA information provided important insights into what transpired in these two cases. I have already made available to the oversight committees a comprehensive package of intelligence materials related to them.

Let me review the record.

- CIA acquired its first significant piece of information on the killing of Mr. Devine in August 1990, and promptly sent an intelligence report on the matter to the National Security Council Staff, the Departments of State, Defense, and Justice, and the Federal Bureau of Investigation. Indeed, this information was a key element in furthering US efforts to press Guatemalan authorities to take decisive steps leading to the arrest and conviction of a number of those directly involved.
- More than one year later, in October 1991, CIA received information that shed light on the possible presence of an additional Guatemalan—Lt. Colonel Julio Roberto Alpirez—in the interrogation of Mr. Devine. Again we promptly provided this information to the National Security Council, the Departments of State, Defense, and Justice, and the Federal Bureau of Investigation as an intelligence report. We also prepared a formal written "crime report" containing even more detailed information. This report was delivered to the Department of Justice on 19 November 1991.

In sum, all the intelligence information related to the killing of Mr. Devine was reported to relevant US executive branch authorities in a timely fashion. It is important to note that there is nothing in our current review of the Devine case that changes our view of the Guatemalan judicial system's verdict that Army Captain Contreras and his soldiers killed Mr. Devine.

At the same time, I want to acknowledge that we failed to inform the intelligence committees in the House and the Senate about the specific information we acquired in October 1991. I regret this failure to keep the Congressional oversight committees fully informed.

Now we regard to Bamaca:

- The first information that the CIA received on the capture of Bamaca came in the spring of 1992 and this was provided to the Departments of State, Defense, and Treasury, the National Security Council, and the US Southern Command. At that time, we received no tasking to collect additional information concerning the fate of Bamaca, a Guatemalan citizen.
- We nonetheless continued to receive conflicting information sporadically over the next three years. All of this information was also provided promptly to the appropriate US officials in the US Embassy in Guatemala and in Washington.
- In October 1994, US policymakers asked us to review the information on the Bamaca case that we had up to this point and to seek additional information in an effort to determine his fate. This effort resulted in the production of a series of intelligence assessments.
- In late January 1995, CIA received new reporting regarding Bamaca's death. Once received at Headquarters, this information was provided immediately to appropriate US Government agencies. In addition, because of the cumulative effect of this report, CIA undertook an analysis of this new information in light of all previously available reporting, and two days later forwarded this assessment to appropriate US Government agencies. In the course of researching this assessment, we learned additional information about an April 1994 report. The senior Guatemalan military officer, cited in the report who had interrogated Bamaca in March 1992 was indeed Colonel Alpirez.
- The CIA also worked with the NSC and the State Department to clear the information for a presentation to the Guatemalan Government in early February 1995.
- By 3 February, the CIA had briefed this information to the staffs of the Senate and House oversight committees. There have been a number of other classified briefings and hearings since then.

I would stress that, like some of the reporting in the Devine case, our information on the fate of Bamaca has been fragmentary, sometimes contradictory, and of varying reliability. For example, let me describe some of the conflicting information we have been dealing with regarding Bamaca. We have received reporting that:

- He was killed on the battlefield;
- He committed suicide to avoid capture;
- He was seriously wounded, captured, and died shortly afterwards;

• Some sources believe he was killed within weeks of his capture; other information has him alive as of July 1992; and we have heard allegations that he was sighted alive in the presence of an Army patrol as late as 1994.

If we focus on the more credible information most recently received, together with our analysis of other data, our assessment is that Bamaca did not die on the battlefield as alleged by the Government of Guatemala; rather, we believe that he was captured alive—with minor wounds—after an armed encounter with Guatemalan Army troops on 12 March 1992 and taken to San Marcos for interrogation.

Our best judgment, based on the information available, was that Bamaca was killed while in Guatemalan Army custody within several weeks of his capture, but we do not know the specific circumstances of his death. We have the name of a Guatemalan officer, the previously mentioned Colonel Alpirez, who is reportedly knowledgeable about—and perhaps involved in—the presumed death of Bamaca. This information has been passed by State Department to the Guatemalan Government for its investigative follow-up. I repeat that CIA was not involved in the death of Bamaca, or in any coverup related to this case.

As I conclude this aspect of my statement, I would like to again observe that the US Government—and Guatemalan authorities—would have a far less complete picture of the fates of Devine or Bamaca had it not been for CIA and overall intelligence community reporting.

The next accusations I will address are that CIA funded intelligence programs in Guatemala in contravention of US policy or that it surreptitiously replaced US military aid cut off in December 1990 through some kind of deliberate bait and switch effort. These allegations are also false.

The programs that CIA conducted were authorized under several Presidential Findings. They were regularly reviewed by senior officials in the key foreign affairs and national security agencies of the Executive Branch. They were also regularly reviewed by the Intelligence Committees in the Houses and the Senate. All funds expended in these programs were fully authorized and appropriated by the Congressional intelligence and appropriations committees.

While I cannot go into the details of these programs in an open session, I can deny categorically the charge that we increased funding during the 1989—1995 period. In fact, total CIA funding of Guatemalan intelligence peaked at about $3.5 million in FY 1989 and fell consistently to around $1 million in FY 1995. The President's recent decision to suspend US assistance to the Guatemalan military will reduce substantially the FY 1995 figure. This steady drop represents an orderly phase out of our Central American program.

These dates are important because it is during FY 1991—December 1990—that CIA is alleged to have increased funding to offset the loss of US military aid.

I cannot comment authoritatively before the work of the CIA Inspector General is completed. Nevertheless, I believe we have made some management and procedural mistakes in these two cases.

• First, as I have already noted, we did not brief the oversight committees on important 1991 information related to Devine in the same way we had briefed the Department of Justice. We regret that we did not do so.

• Second, the potential significance of one piece of information obtained in mid-1994 was not recognized until we received new information in January 1995.

• Third, there is one instance in January 1995 during which an important report was delayed in the field for six days; we believe this reflected a management lapse, which contributed to our decision to recall our Chief of Station in Guatemala.

CIA management is reviewing its procedures to implement corrective measures. At no time, however, did the CIA deliberately withhold or suppress information on these cases. The charge that we did is false.

As you know, reviews are underway in other US Government agencies regarding allegations associated with the Bamaca and Devine cases. The investigators were also tasked to look into information on other cases involving the human rights of several US citizens.

In addition, the President had assigned the Intelligence Oversight Board certain specific review tasks working with the departmental and agency investigative bodies. All agencies involved are in the process of securing documents relating to these inquiries and are cooperating fully in the investigations.

I have been as candid as possible in this hearing, although there are limits to what I can responsibly say in a public forum. Specifically, I cannot and will not talk in unclassified, open session about intelligence sources and methods. I will be happy to do so in classified sessions.

I take this position not out of some abstract devotion to secrecy but because in a very real sense, it is essential for the protection of the lives of the people who

assist the intelligence community and our own national security interests. Indeed, our success depends on our ability to protect the identities and activities of those individuals who agree to work with us on a clandestine basis. In agreeing to do so, they put themselves at great personal risk. If we fail to satisfy this fundamental obligation to our sources, we will find few people willing to support our efforts.

To conclude, let me reflect in a larger sense on the role of the Intelligence Community in a democratic society.

- At the direction of US policymakers, we provide information on such difficult issues as civil wars, terrorism, narcotics, weapons proliferation, organized crime, and instability related to regional, ethnic, tribal, or religious conflict.
- It is a continuing dilemma that in collecting vital information on such topics we do not necessarily find our sources among the pristine, the honorable, and the elegant.
- We do not, however, use this or any other rationale for overlooking or covering up crimes.
- We fully accept the necessity of being held to high standards of conduct.
- We also recognize that the unique challenges with which the intelligence profession must grapple make it all the more important to ensure continuous and proper Executive and Congressional oversight of past, present, and future intelligence and covert action programs.

This concludes my remarks.

TESTIMONY OF ADMIRAL WILLIAM O. STUDEMAN

Admiral STUDEMAN. Thank you, Mr. Chairman, Members of the Committee.

It's important that we speak to you today and the American people about issues related to CIA involvement in Guatemala. The allegations made are serious and the issues are complex. I would like to be as expansive as possible given the open and unclassified nature of this hearing. There are classified aspects of this—which you have already spoken to—which I will not be able to address, and regretfully, I will have to defer these issues to closed session. Similarly, as you know, most of the issues I will address are under review by various inspectors general or the Justice Department working with the Intelligence Oversight Board tasked by the President. Finally, it's important for everyone to remember that neither the DCI nor the CIA make foreign policy. Accordingly, questions related to policy need to be deferred to the State Department and the National Security Council.

Nevertheless, given treatment of these issues and media comments, I will provide what I believe to be the facts or conclusions that I know at present. Extremely serious allegations have been made regarding CIA's conduct in the events surrounding the murder of U.S. citizen Michael DeVine in June 1990 and the fate of the Guatemalan insurgent leader Efrain Bamaca. Let me state emphatically that the CIA is not complicit in the murder of Mr. DeVine nor the apparent killing of Mr. Bamaca, nor has the CIA deliberately withheld information. On the contrary, CIA information provided important insights into what transpired in these two cases. I've already made available to the Oversight Committees a comprehensive package of intelligence materials related to them. Let me review the record.

CIA acquired its first significant piece of information on the killing of Mr. DeVine in August of 1990 and promptly sent an intelligence report on the matter to the National Security Council staff, the Departments of State, Defense and Justice, and the Federal Bureau of Investigation. Indeed, this information was a key element in furthering U.S. efforts to press Guatemalan authorities to

take decisive steps leading to the arrest and conviction of a number of those directly involved.

More than one year later, in October 1991, CIA received information that shed light on the possible presence of an additional Guatemalan, Lieutenant Colonel Julio Roberto Alpirez, in the interrogation of Mr. DeVine. Again, we promptly provided this information to the National Security Council, the Departments of State, Defense and Justice, and the Federal Bureau of Investigation as an intelligence report. We also prepared a formal crimes report, containing even more detailed information. This report was delivered to the Department of Justice on 19 November 1991.

In sum, all of the intelligence information related to the killing of Mr. DeVine was reported to relevant U.S. executive branch authorities in a timely fashion. It is important to note that there is nothing in our current review of the DeVine case that changes our view that the Guatemalan judicial system's verdict that Captain Contreras and his soldiers killed Mr. DeVine.

At the same time, I want to acknowledge that we failed to inform the Intelligence Committees in the House and the Senate about the specific information we acquired in October 1991. I regret this failure to keep the Congressional Oversight Committees informed.

Now, with regard to Bamaca, the first information that the CIA received on the capture of Bamaca came in the spring of 1992. And this was provided to the Departments of State, Defense and Treasury, and the National Security Council as well as the U.S. Southern Command. At the time, we received no additional tasking to collect additional information concerning the fate of Bamaca, a Guatemalan citizen. We nonetheless continued to receive conflicting information sporadically over the next three years. All of this information was also provided promptly to the appropriate U.S. officials and the U.S. Embassy in Guatemala and in Washington.

In October 1994, U.S. policymakers asked us to review the information on the Bamaca case that we had up to this point and to seek additional information in an effort to determine his fate. This effort resulted in the production of a series of intelligence assessments. In late January 1995, CIA received new reporting regarding Bamaca's death. Once received at headquarters, this information was provided immediately to appropriate U.S. Government agencies. In addition, because of the cumulative effect of this report, CIA undertook an analysis of this new information in light of all previously available reporting and two days later forwarded this assessment to appropriate U.S. Government agencies.

In the course of researching this assessment, we learned additional information about an April 1994 report. The senior Guatemalan military officer cited in this report who had interrogated Bamaca in March 1992 was indeed Colonel Alpirez. The CIA also worked with the NSC and the State Department to clear the information for a presentation to the Guatemalan government in early February 1995. By 3 February the CIA had briefed this information to the staffs of the Senate and House Oversight Committees. There have been a number of other classified briefings and hearings on this subject since then with the Intelligence Oversight Committees.

I would stress that like some of the reporting in the DeVine case, our information on the fate of Bamaca has been fragmentary,

sometimes contradictory and of varying reliability. For example, let me describe some of the conflicting information we've been dealing with regarding Bamaca. We have received reporting that he was killed on the battlefield, that he committed suicide to avoid capture, that he was seriously wounded, captured, and died shortly thereafter. Some sources believe he was killed within weeks of his capture; other information has him alive as of July 1992, and we have heard allegations that he was sighted alive in the presence of an army patrol as late as 1994.

If we focus on more credible information most recently received, together with our analysis of other data, our assessment is that Bamaca did not die on the battlefield, as alleged by the government of Guatemala, but to repeat what Ambassador Watson has already said, we believe that he was captured alive with minor wounds after an armed encounter with the Guatemalan army troops on March 12, 1992, and that he was taken to San Marcos for interrogation. Our best judgment, based on information available, was that Bamaca was killed while in Guatemala army custody within several weeks of his capture, but we do not know the specific circumstances of his death.

We have the name of a Guatemalan officer, the previously mentioned Colonel Alpirez, who is reportedly knowledgeable about—knowledgeable about—and perhaps involved in the presumed death of Bamaca. This information has been passed by the State Department to the Guatemalan government for its investigative followup in the context that Ambassador Watson has already relayed to you. I repeat that CIA was not involved in the death of Bamaca or in any coverup related to this case.

As I conclude this aspect of my statement, I would like to again observe that the U.S. Government and Guatemalan authorities would have far less a complete picture about the fates of DeVine or Bamaca, had it not been for CIA and overall intelligence community reporting.

The next accusations I will address are that CIA funded intelligence programs in Guatemala in contravention of U.S. policy or that it surreptitiously replaced U.S. military aid cut off in December 1990 through some kind of deliberate bait and switch effort. These allegations are also false. The programs that CIA conducted were authorized under several Presidential Findings. They were regularly reviewed by senior officials in the key foreign affairs and national security agencies of the executive branch. They were also regularly reviewed by the Intelligence Committees in the House and the Senate. All funds expended in these programs were fully authorized and appropriated by Congressional Intelligence and Appropriations Committees.

While I cannot go into the details of these programs in an open session, I can deny categorically the charges that we increased funding during the 1989 to 1995 period, specifically the period after the December 1990 cutoff. In fact, the total CIA funding of Guatemalan intelligence peaked at about $3.5 million in fiscal year 1989 and fell consistently to about $1 million in fiscal year 1995. The President's recent decision to suspend all U.S. assistance to the Guatemalan military will reduce substantially the fiscal year or current year figure. This steady drop represents an orderly phase-

out of the Central American program. These dates are important because it is during fiscal year 1991—in fact, December 1990, again as I've already stated—that CIA is alleged to have increased funding to offset the loss of U.S. military aid. Now, leaving this topic, let me address another issue: What do I consider to be the problems with CIA management in these cases. I cannot comment authoritatively before the work of the CIA Inspector General is completed; nevertheless, I believe that we have some management and procedural mistakes in these two cases. First, as I have already noted, we did not brief the Oversight Committees on important 1991 information related to DeVine in the same way that we briefed the Department of Justice and other elements of the executive branch. We regret that we did not do so.

Second, the potential significance of one piece of information obtained in mid-1994 was not recognized until we received new information in January 1995.

Third, there was one instance in January 1995 during which an important report was delayed in the field for six days. We believe this reflected a management lapse which contributed to our decision to recall our chief of station in Guatemala. CIA management is reviewing its procedures to implement corrective measures. However, at no time did the CIA deliberately withhold or suppress information in these cases, and the charges that we did so are false.

As you know, reviews are underway in other U.S. Government agencies regarding allegations associated with the Bamaca and DeVine cases. The investigators were also tasked to look into information on cases involving the human rights of several other U.S. citizens. In addition, the President has assigned the Intelligence Oversight Board certain specific review tasks working with the departmental and agency investigative bodies. All agencies involved, including the National Security Agency and the U.S. Army, are in the process of securing documents related to these inquiries and are cooperating fully in these investigations.

I've been as candid as possible in this hearing, although there are limits to what I can responsibly say in a public forum. Specifically, I cannot and will not talk in unclassified, open sessions about intelligence sources and methods. I will be happy to do so in classified sessions.

I take this position not out of some abstract devotion to secrecy, but because in a very real sense it is essential for the protection of lives of the people who assist the intelligence community and our national security interests. And this has already been, I think, articulately discussed also in the opening statement by Senator Kerrey. Indeed, our success depends on the ability to protect the identities and activities of those individuals who agree to work with us on a clandestine basis. In agreeing to do so, they put themselves at great personal risk. If we fail to satisfy this fundamental obligation to our sources, we will find few people who will be willing to support our efforts.

To conclude, let me reflect in a larger sense on the role of the intelligence community in a democratic society. At the direction of U.S. policymakers, we provide information on such difficult issues as civil wars, terrorism, narcotics, weapons proliferation, organized crime, and the instability related to regional conflict and other

forms of conflict around the globe. It is a continuing dilemma that in collecting vital information on such topics, we do not necessarily find our sources among the pristine, the honorable, and the elegant, and this will continue to be a problem for the future. We do not, however, use this or any other rationale for overlooking or covering up crimes. We fully accept the necessity of being held to higher standards of conduct.

We also recognize that the unique challenges with which the intelligence profession must grapple make it all the more important to ensure continuous and proper executive and congressional oversight of past, present, and future intelligence and covert action programs.

Senators, subject to your questions, this concludes my remarks. I might say that I do have senior CIA staff and our Inspector General here to assist. And now I think Ambassador Watson and I would be pleased to respond to any of your comments or questions, sir.

Chairman SPECTER. Thank you, Admiral Studeman.

You have articulated the concerns about the disclosure on sources and the risk factor. And you and I and Senator Kerrey have discussed the background of the case. And it is not an easy balance as to a judgment as to how far the Committee should go in eliciting information from you. Our determination has been that we should hear your statement, which you have just given, to give the CIA an opportunity to respond to the public accusations, and to allow the public to hear from the CIA about what you can say to the extent that you can testify.

In our own conversations, as we start to probe more deeply, it is very difficult to even ask some of the questions to have you respond that you cannot comment without raising some inferences or some suggestions as to what is going on. The nature of the question identifies people who may be at risk or jeopardized, even if you say you can't say. So for that somewhat fuller explanation, the ruling is that we will not question you. But we'll do so in closed session, and we'll make a fuller determination about what you could respond on these questions in open session. And as promptly as we can, to the extent we can, we will have you testify in open session.

But we have convened this hearing at an early date, not awaiting the conclusion of the recess, which would be several more weeks, because of our judgment that the American people are entitled to an inquiry at this time. So that there is assurance to the public that the Oversight Committee is not lingering or dallying on telling the American people what it is that we can say.

After hearing Ambassador Watson's testimony, Senator Kerrey and I conferred briefly and it appears that Ambassador Watson can respond to questions. But again I say, Ambassador, in the course of any of the questions, you feel that something is asked of you that you cannot comment about, exercise your own judgment in declining to answer.

But let me begin with questions to you to the extent that you can comment without disclosing sources or methods. What were the specifics of the information you had about Colonel Alpirez—and I ask this in the context of the issue of referring the matter to the Department of Justice for possible prosecution under the United

States antiterrorist law. We have laws in effect enacted in 1986 which authorize the prosecution of individuals who commit acts of terrorism against American citizens anywhere in the world. Customarily, jurisdiction attaches in the locale where the event occurred, and while Guatemala would have jurisdiction over Colonel Alpirez, so would the United States on our extraterritorial assertion of jurisdiction, where there's terrorism involved on a U.S. citizen, Michael DeVine, and that issue is raised. So tell us as specifically as you can what evidence or information or indicators there were about Colonel Alpirez' complicity?

Mr. WATSON. Well, the information available to us about Colonel Alpirez and the DeVine case, Mr. Chairman, is still not conclusive—at least the information I've seen. Back at the time, in 1990 and 1991, the information available to us goes more or less like this. That a group of military personnel came from a base in a town called Flores under instructions of some sort to detain and interrogate Mr. DeVine. Those people left their base and went down to another base in a town called Poptun and that is where Colonel Alpirez—at that time a Lieutenant Colonel, I believe—was the commanding officer of that base.

The information developed by all elements of the embassy, but also by Mrs. DeVine—and the people that she had working with her did a spectacular job in this—suggested that these people stayed a couple of nights at that base—which was a training base—before they sequestered Mr. DeVine. And they may even have used vehicles from that base. At least their vehicle was seen at that base.

In any case, those individuals, that is, the enlisted men, took Mr. DeVine prisoner, drove off with him in their vehicle and his vehicle, and somehow, somewhat later, took actions which resulted in his death. The best information available to me, at least, is that that did not take place on the base, but someplace else.

In any case, these people were brought to trial and they were convicted and they were sentenced. Now, our view is that an officer of the rank of Colonel Alpirez at that base had to have known that these people from another base were spending a couple of nights there and receiving——

Chairman SPECTER. Was there evidence that Colonel Alpirez was present during any part of the interrogation or activity as to Michael DeVine?

Mr. WATSON. To the best of my knowledge, sir—and we really have to ask the people that were involved in the actual case in Guatemala at the time—to the best of my knowledge, sir——

Chairman SPECTER. Well, this is not a trial. You're not giving direct evidence. You may testify as to what you learned officially.

Mr. WATSON. Sure.

Chairman SPECTER. What is the information that was transmitted to you in your official capacity?

Mr. WATSON. We have a variety of reports. And I have to tell you, Senator, Mr. Chairman, I have not seen all of the reports from back in 1990 and 1991. I have not been able to review all of those reports, and don't even think we have them all in the State Department. But the bulk of the evidence is, I gather, as Admiral Studeman has just laid out, that while there have been some re-

ports that say that Colonel Alpirez may have been at the scene of the crime, may have been more directly involved, the bulk of the evidence suggests that he's guilty of a coverup, that he had to have known that these people were in the area and what they were up to. And that is our tentative conclusion at this point.

Chairman SPECTER. Was Colonel Alpirez——

Mr. WATSON. We're very, very frustrated that not only Colonel Alpirez, but the commanders of the base up in the north, I said in Flores, where Captain Contreras and his men were based, have not been who we think gave the orders for the men to go out and detain Mr. DeVine—have not been brought to trial.

Chairman SPECTER. Well, the information given to the Committee is that Captain Contreras was convicted and then mysteriously escaped——

Mr. WATSON. Yes, sir.

Chairman SPECTER. With all the indications that it was a put-up deal and he was allowed to escape.

Mr. WATSON. That's our conclusion.

Chairman SPECTER. Was any consideration given to prosecuting Captain Contreras under U.S. terrorist laws?

Mr. WATSON. Not that I know of, sir. Not that I know of.

Chairman SPECTER. Why not? Why not?

Mr. WATSON. I really am unable to comment on any action—decisions made by the Justice Department in this case. I'm simply not familiar with that, sir.

Chairman SPECTER. Well, we have someone here from the Justice Department. And I wonder if Mr. Barrett would step forward, please? Do we have someone here from Justice?

[Pause.]

Chairman SPECTER. While we had not formally listed you as witness, we'd be interested to know if you can at least tell us if the issue as to Colonel Alpirez was dropped on the jurisdictional grounds or insufficiency of evidence?

TESTIMONY OF JOHN Q. BARRETT

Mr. BARRETT. Good morning, Mr. Chairman.

Chairman SPECTER. Would you state your full name for the record, please?

Mr. BARRETT. Yes. My name is John Barrett. I'm Counselor to the Inspector General at the Department of Justice. The Department of Justice began an inquiry only last week into its receipt of information and its handling of information regarding the DeVine killing. That is an inquiry that's being conducted at the request of the Deputy Attorney General. It's an ongoing inquiry, and it has not reached definitive conclusions or resulted in a report. And so what we were asked to do is be present this morning and perhaps to field questions to describe the existence of that review——

Chairman SPECTER. Well we would be perhaps better off by having the Justice Department officials who made the judgments, as opposed to someone from the Inspector General; to hear from someone who actually reviewed the case to make a determination as to whether it was jurisdictional, that is the absence of evidence of terrorism, or whether there was not sufficient evidence to proceed.

Mr. BARRETT. Yes, Mr. Chairman. The Department is committed to providing a full report to the Committee as soon as the information is developed on the receipt and the handling of the information that came into the Department.

Chairman SPECTER. Mr. Barrett, stay with us at the witness table. My time has expired, and we'll come back to you at a later time.

Mr. BARRETT. Yes, Mr. Chairman.

Chairman SPECTER. I yield now to the Vice Chairman, Senator Kerrey.

Vice Chairman KERREY. Secretary Watson, what's the U.S. interest in Guatemala?

Mr. WATSON. The U.S. interest in Guatemala, principal interest, is to contribute to the development of a democratic society in Guatemala where the citizens of Guatemala and of other countries that are visiting Guatemala or living there enjoy full human rights. And Guatemala is an integral member of a democratic hemisphere with open and constructive political life involving all members of society, irrespective of ethnic background or social origin.

Vice Chairman KERREY. Is that the objective during the Bush and Reagan administrations as well?

Mr. WATSON. Senator, I'm really unable to respond fully about the objectives of the other administrations. But I would, sir, like to point out that President Bush certainly took strong action, on the recommendation of Ambassador Stroock, in 1990, to cut off all military assistance.

Vice Chairman KERREY. All right, so let's presume that it was the policy of the Bush administration as well. I won't expect you to go back further than that. Let's look at another country just as a litmus test of our policies. What's the greatest threat to democracy in Iraq? What inhibits democracy in Iraq?

Mr. WATSON. Well, I'm not an expert on Iraq, Senator——

Vice Chairman KERREY. Neither am I. But what—just sort of——

Mr. WATSON [continuing]. But I would think the single biggest obstacle to democracy in Iraq is the existence of the extremely repressive and authoritarian regime run by the president of that country.

Vice Chairman KERREY. Would you say that the Iraqi military and the police force used by Saddam Hussein, a dictator, is a threat to democracy in Iraq?

Mr. WATSON. My impression is that the Iraqi police force and military are firmly under the instructions and control of Mr. Saddam Hussein, are instruments in his implementation of his policies.

Vice Chairman KERREY. Is there a comparable situation in Guatemala?

Mr. WATSON. I think there's no—there's no way one can compare Ramiro De Leon Carpio, the President of Guatemala, with Saddam Hussein. De Leon Carpio is an extraordinary figure in the history of his country, was the human rights ombudsman at a time when it was extremely dangerous to do that, and very aggressively pursued cases. And they were brought to him by people of all classes, including—he pursued the Bamaca case before we even knew about

it in 1992. So to compare him with Saddam Hussein would be not fair at all.

I would argue, however, that——

Vice Chairman KERREY. I appreciate that distinction, and I think it not only is a fair, but an important distinction to make for Americans who are trying to evaluate not only U.S. interests in Guatemala, but how it is that we are to accomplish the objectives that you've just described, to make certain that Americans understand the differences between the two. But the question that I'm trying to get to is whether or not the military in Guatemala is an impediment to the development of democracy in that country.

Mr. WATSON. Well, I think that another dramatic difference between——

Vice Chairman KERREY. Is the military an impediment to the development of democracy in Guatemala?

Mr. WATSON. I think that the behavior of the armed forces, the military in Guatemala in the past certainly has been.

Vice Chairman KERREY. Was this a trial that one would expect and applaud in a democratic environment?

Mr. WATSON. A trial?

Vice Chairman KERREY. Was this—the trial of the soldiers that were accused in the DeVine murder, was that a trial that you could look at and say, gee, this is evidence that democracy is flourishing in Guatemala?

Mr. WATSON. Well, for one that's not familiar with the details of the trial, I would say in a place like Guatemala, where the military had held sway for so long and are not, I would argue, firmly under the control of the president—completely different from Iraq—that to have a trial of a military officer—Contreras—that's the first time they've ever had a military officer convicted in a military court in my knowledge in the history of the country. So that was a great step forward. And the conviction of the enlisted men also was a great step forward, and that was even held up by the supreme court.

Of course, the conviction of Contreras was vitiated immediately by his escaping and disappearing. And we are still pressing the government of Guatemala to find where he is, bring him back, and have him serve the time to which he was sentenced.

Vice Chairman KERREY. You said you're not familiar with the details of the trial.

Mr. WATSON. Yes, that's right.

Vice Chairman KERREY. And can you explain why you're not? Is that principally because it took place before you assumed your responsibilities?

Mr. WATSON. Yes, sir. There are—I would think that there are people who were directly involved, even in our embassy in those days, would be able to give you a lot more information, and we can research our files and see if we have some more reports on them, which we would be glad to share with you also.

Vice Chairman KERREY. Would the details of Mr. DeVine's murder been brought out in the trial?

Mr. WATSON. I'm not sure, sir. We'd have to look at that. My understanding is that the people convicted did not admit to what they did, but they were convicted nevertheless.

Vice Chairman KERREY. That's my understanding as well, that they said nothing during the trial.

What is your own suspicions as to the nature of the interrogation and the nature of the execution?

Mr. WATSON. Well, I laid them out a little bit earlier, sir. We do not know exactly how Mr. DeVine died, what the specific circumstances were, but we are convinced that these convictions were correct and those were the people who actually did it. But we believe also——

Vice Chairman KERREY. Do you suspect that the interrogation itself was brutal?

Mr. WATSON. The interrogation of Mr.——

Vice Chairman KERREY. DeVine.

Mr. WATSON. DeVine? My understanding, sir, and please, I don't want to be boring when I keep adding "it's my understanding," but I was not there and do not have firsthand knowledge of this. My understanding by the reports that I've read was——

Vice Chairman KERREY. Had this man been employed at the Department of State, would your attitude be the same as it is right now, with respect?

Mr. WATSON. My attitude would be—yes, absolutely. I mean, he's an American citizen who was picked up and did nothing wrong, and was picked up by some people, by military people, for no reason that makes any sense and then somehow resulted in his death. And I'd be as outraged about that if it were——

Vice Chairman KERREY. Earlier, Mr. Secretary, in your testimony you expressed sympathy, not outrage, to be clear. And I don't—I'm not holding you responsible for that, but I do observe that's one of the problems in this case, that the U.S. response was sympathy, not outrage.

Mr. WATSON. Well, Senator, may I please—I think that Ambassador Stroock, at that time our ambassador in Guatemala, performed extraordinarily well in this case. Within 24 hours of Mr. DeVine's death, he was aware of this and he was pushing extremely hard to get at the bottom of it. He very quickly discovered that the military themselves were probably involved in the case, so he stopped dealing with the military to look for solutions, and started dealing with the civilians and working very closely with Mrs. DeVine and her—and people that were working with her put together the evidence which resulted in this conviction. I think the embassy—all elements of the embassy, including——

Vice Chairman KERREY. I don't doubt Ambassador Stroock's performance at all, Mr. Secretary, but he is one part of—one employee, one person in the government. I'm questioning U.S. official response.

Mr. WATSON. My impression, sir, is that the response was one of outrage all the way up to the President of the United States when we cut off that aid at the end of 1990, just six months after the murder.

Vice Chairman KERREY. Is your impression that U.S. efforts in Guatemala have been to (a) support the Guatemalan army in suppression of the and operation against the insurgency, or (b) emphasis on a process of reconciliation?

Mr. WATSON. I will tell you categorically, sir, in this administration, at least, which is the only one for which I can speak, it has been the latter, and including with elements of the military. And there are some enlightened folks in the military now and they've played a constructive role, as I mentioned, in that complicated transfer of power when President Serrano tried to alter the constitution unilaterally.

Vice Chairman KERREY. Did the department, Mr. Secretary, know the purpose, methodology, and cost of CIA programs in Guatemala?

Mr. WATSON. I'm not sure that I can go into what we knew about CIA programs in Guatemala in an open session, sir.

Vice Chairman KERREY. My understanding is that all government operations overseas, Mr. Secretary, including programs carried out by the CIA, are reviewed in some kind of an interagency process before they're undertaken. Is that correct?

Mr. WATSON. Yes, sir.

Vice Chairman KERREY. And that State Department is a part of that process?

Mr. WATSON. Yes, sir.

Vice Chairman KERREY. So I presume, since this is an overseas operation, that some kind of review was undertaken and that the State Department was a part of that review?

Mr. WATSON. There should be some sort of a review, but I can't tell you, sir, exactly which—every program——

Vice Chairman KERREY. And I presume you're not disclosing anything to say that the State Department knew the purpose, knew the methodology, and knew the cost. You're saying you didn't know the cost, methodology, or purpose? I mean, that's hardly, it seems to me, anything that you're—you're not giving up sources and methods by telling that you knew what the hell they were doing down there and why.

Mr. WATSON. Well, I'm not sure that I—I certainly don't know the costs of every program in Guatemala. I rely on what Admiral Studeman told us just a few minutes ago in that regard.

Vice Chairman KERREY. Admiral Studeman has responsibility as the Director of the Central Intelligence Agency. You have a responsibility in the State Department, it would seem to me, to be able to answer pretty directly that in an interagency process, that you would know purpose, the methodology, and the cost, and you're saying to me either you're concerned that telling me that you knew the purpose was classified or that you didn't know the purpose or the cost or the methodology.

Mr. WATSON. I think it's correct to say that the interagency process, including the State Department, is aware of the general thrust of the policies and programs of all agencies in a specific country.

Vice Chairman KERREY. General thrust? I mean, I—my time is up, but I——

Mr. WATSON. Well, I can't tell you in all honesty, sir—I don't want to be misleading—that every detail of every program is known. But I'm really uncomfortable going further beyond that——

Vice Chairman KERREY. My time is up, Mr. Secretary, but I didn't ask you if you knew every detail. I asked you if you knew purpose, I asked you if you knew methodology, and I asked you if

you knew cost. That's not every detail. I didn't ask you if you knew name, rank, and serial number of every individual that was down in Guatemala. I asked you a much more generic and general question.

Thank you.

Chairman SPECTER. Thank you, Senator Kerrey.

The practice of the Committee is to alternate among Members in order of arrival, and Senator Cohen is next.

Senator COHEN. Thank you very much, Mr. Chairman.

First let me commend you and Senator Kerrey for pursuing with great dispatch the allegations surrounding the CIA's involvement with respect to human rights abuses in Guatemala. I must say that most Americans are justifiably appalled at the statements and allegation concerning the payment of tens of thousands of dollars to an asset after learning he was probably involved in the brutal torture and death of a U.S. citizen.

And I must say I also question the role of the CIA and other agencies in handling information not only about the Bamaca case, and the Blake case, but other instances of human rights abuses in Guatemala. I'm certain, however, that the inquiry undertaken by the Chairman and Vice Chairman will eventually produce a clear picture of what has occurred.

I say this also with a caveat, that I think a public hearing at this time may be a bit premature, as we're learning with the responses given by the witnesses here at the table this morning. On the one hand we have an FBI investigation underway, which we do not want to compromise in any way. We have investigations underway by several inspectors general. We have an investigation underway by the President's Intelligence Oversight Board. And we have ground rules which are going to lead to, it seems to me, to a fragmentary disclosure. Some of the information will remain behind the veil of classification. There will be confusion in terms of exactly what has happened, what the information is. And I think the classified information is critical to the understanding of what the intelligence community did in Guatemala, who approved it, and how the information was collected and was used by our government. That picture will not emerge from this particular hearing, and that's going to be unfortunate.

It's also my personal belief that the Oversight Committees have been misled. And I would say, in my own opinion, the evidence will indicate that they may even have been lied to. So we have a problem; if we say too little today, we run the risk of misleading the American people; if we say too much, we run the risk of jeopardizing sensitive technical capabilities and even lives, as both the Chairman and the Vice Chairman have pointed out. I think the American people deserve answers. I'm confident they're going to get them. But I think it's important for the press and the public to understand that nothing approaching a complete and accurate picture is going to emerge today by virtue of the fact that the evidence is going to be fragmentary and not forthcoming and full.

Having said that, Mr. Chairman, let me just pursue one area that is troubling to me. Admiral Studeman, I think you indicated in your statement that the CIA failed to inform the Oversight Committees. Is that correct?

Chairman SPECTER. Senator Cohen, we're going to have to withhold questions as to Admiral Studeman, even though that question does not——

Senator COHEN. I don't think it's going to call for any—here is part of the problem that I have——

Chairman SPECTER. I think it is not. The question is, once we start on that line.

Senator COHEN. Well, let me just say that from what I gather from the statements that have been delivered it has been offered to the Committee that all of the relevant agencies were appropriately advised in the executive branch—State Department, NSC, Justice Department, every branch but the Intelligence Oversight Committees of both the House and the Senate. I believe that is the representation that was made by the witnesses.

Chairman SPECTER. I think that is accurate, Senator Cohen.

Senator COHEN. Let me then state for the record that I believe that to be incomplete and inaccurate. I will say without questioning the witnesses in open session—as we cannot do—that I believe that the information was not only withheld from the Committee, I believe the Committee was deliberately misled. And that will not be a statement coming from the witnesses, but from me, and that is part of the problem I have today, is that we are presenting an incomplete and I think a fragmentary picture which is going to lead to a good deal of misunderstanding. In any event——

Vice Chairman KERREY. Just for the record, I think you make a very good point, Senator, and I quite agree. Not only were we not informed, I believe this Committee was indeed intentionally misled.

Senator COHEN. Well, I was going to make the point that we've had in the past—we've had people prosecuted for withholding information from the Congress. In this particular case, I think it goes further. This was not only a withholding of information, a failure to inform as they're required, but also upon initiation of questions by this Committee, relating specifically to a case where the information was, in fact, misleading, and I believe deliberately designed to mislead the Committee. I think it goes much further than withholding or failure to advise. Apparently that's something we can pursue or we'll have to pursue at a later time.

Chairman SPECTER. Senator Cohen, in light of the serious comments you've made, let me ask Admiral Studeman if he wants to respond to that. I think the CIA ought to have an opportunity to respond to a comment that there's been a deliberate withholding of information.

Admiral STUDEMAN. Let me see if I can frame an appropriate response to you. And I do believe that we're going to have to discuss this further, clearly, in closed session. The information to which you refer that was not—that the Committee was not informed of, was this information that was provided for the crimes reported to the Justice Department that had to do with the potential involvement of then Lieutenant Colonel Alpirez, involvement in the—in the DeVine case in the sense that he was alleged to be present at the interrogation that resulted in Michael DeVine's death?

As the ambassador has already said, this was the essence of the CIA information, but there is also other—there are other theories about where and under what circumstances Michael DeVine died:

That is, that he was not taken to the Special Forces school base at Kaibil, where Lieutenant Colonel Alpirez was the—was the commanding officer, but that he was, in fact, killed off the premises of this school, which would provide then an indication that Alpirez was, in fact, not at the interrogation.

That did not belie the fact that Colonel Alpirez, as the ambassador has already said, is probably involved in a coverup, because the five enlisted soldiers and the individual that—and Captain Contreras did operate from this base at Kaibil. And clearly records were destroyed that reflected that, and the support that the base gave to these particular individuals.

Now, this information was reported by the intelligence community to the—to the Justice Department. The Justice Department was ruling on the issue of their jurisdiction, which has not yet been addressed here, and I will not comment on that aspect of it. It took several months for the Justice Department to essentially make their determination. In the process of those several months there was an effort, at least so far as I've been able to track from internal documentation, to inform—there was a—there is internal documentation suggesting that there was an intent to inform the House Intelligence Committee. But as best we can tell from our records, no such information was, in fact, conveyed to the House Intelligence Committee. As you know, it's also unusual for us to convey it to one committee and not to the other. And clearly, I think we have confidence that the information was not conveyed to the Senate Intelligence Committee.

Now, the issue to which I believe you refer, with regard to the misleading aspects of this, had to do with a separate event which I think we ought to deal with offline, which has to do with human rights reports that are made to the Committee and the information that was provided by CIA with regard to that aspect of our dialog with you. That only came to my attention this morning, but I will say that we need to explore that more fulsomely in our discussions together.

Senator COHEN. Well, I can see my time is running out. That's part of the difficulty I have, Mr. Chairman, with the nature of the proceedings today. I understand the public pressure by virtue of Congress about to—or the Senate about to recess for two weeks and the need to try to get as much information as possible, but the difficulty is that by pursuing it piecemeal, going public and then classified, not really setting forth the ground rules of what can be discussed, we're going to have a picture which I think is not going to contribute to a full understanding on the part of the American people.

Let me just say with respect to the matter you just referred to, Admiral Studeman, I think perhaps it's appropriate that we pursue that. I would only like to alert my colleagues to something that's of concern to me. I've been through this before some years ago with the Iran-Contra affair, and one thing that became clear during the course of that is this Committee has to be appropriately informed and advised of certain matters. In this particular case, this Committee—this is prior to my coming back on the Committee—but this Committee expressed specific interest in information, requested a response from the Agency and the response that I have

seen from the Agency I believe is misleading in its entirety. So, we can pursue that at a later time, but this Committee, the Congress can't do it's job if it isn't given accurate information and truthful information, and information that is designed not to inform but to obscure.

And I'll reserve further questions—obviously, since my time has run out—for a later time.

Chairman SPECTER. Senator Cohen, I think you have obviously raised a matter which is of enormous importance when you say that it's more than a matter of not having been informed but lied to. And it is not possible, no matter what we do in open session today, to have comprehensive answers to all the questions that are pending. But there'll be a good deal of information which will be available to the American public. And when we try to establish an appropriate line so that we do not disclose sources and methods, or do not get into even questions where the witness declines to answer, which raises an inference as to sources and methods, that is difficult.

But when you raise another issue about misinformation and lying, then I think on two counts we need to pursue that. One count is that if that kind of a serious charge is being made against the CIA—and I know from your background, Senator, that you do not make any statement lightly, especially a statement like that—but having said that, the CIA ought to be entitled to respond. And Admiral Studeman has responded. And the nature of the issue of lying or misleading does not relate to sources or methods, that relates to the integrity of the CIA. And I think that is a subject, having been broached, that we ought to pursue in your next round. And I do not think that it will encroach on the concerns I have expressed about sources and methods. I'm not unaware that once there's a deviation from the rule that a witness can answer questions if there are going to be other questions which are going to be——

Senator COHEN. Mr. Chairman, one of the problems——

Chairman SPECTER. Well, let me finish.

Other questions which may pose difficulties, but I think that's a part of the process and we'll just deal with them one by one. But I think you ought to be permitted to pursue it when the next round comes.

Senator COHEN. One of the problems is that the information that I would wish to pursue would remain classified. And as Senator Kerrey has pointed out, there is only one person that can declassify that, and that's the President of the United States. So I don't know that we can, in fact, pursue that under these circumstances because we haven't had a clarification of what can and what cannot be discussed.

Chairman SPECTER. Well, that being so, whenever we pursue that in a classified form, it's not going to be available to the American people. But the decision was made to proceed as far as we can go, and I think a good bit has been disclosed and will be disclosed, so that it's a net gain even though we cannot do it all. And some of it will have to be conducted behind closed doors, and then we'll make a judgment as to what can be disclosed. But doing it—and we're going to have that closed session at the end of our open ses-

sion today, so that we can proceed to determine what can be disclosed to the maximum amount possible.

Admiral STUDEMAN. Mr. Chairman, if I could say something, while it may be the impression of this Committee that in this particular circumstance there was an intent to mislead, I have not had a chance to get into this particular issue and I have no evidence at this particular point in time that there was a deliberate intent to mislead on the part of the CIA in dealing with this matter. So I believe that we have some homework to do, and I believe also that it is appropriate to discuss this again in closed session.

Vice Chairman KERREY. I can tell you in response, Admiral Studeman, that I felt as if I had been misled from the moment of my first contact with this issue in February. So there is a considerable amount of additional work that needs to be done.

Chairman SPECTER. Well, the issue of whether the Committee has been misled or lied to will be pursued in detail and in depth and we'll be reporting on that publicly at the earliest appropriate time.

Senator Kerry from Massachusetts. Senator Kerry is next in order. I'm alternating in time of arrival.

Senator KERRY of Massachusetts. Well, Mr. Chairman, I would like to associate myself completely with the remarks of Senator Cohen and perhaps even a little bit further. Like Senator Cohen, I have also been exposed to this process on two occasions, one through the Foreign Relations Committee and the Contra efforts in Central America, and indeed prosecutions came out of my being lied to by the CIA in the course of that. Claire George was convicted, though later overturned.

And in the course of the POW Select Committee, we went through one of the largest declassifications in American history and struggled with the effort to deal with these fine lines.

I think it's important to have a hearing, but if we're going to have a hearing we ought to be able to ask questions that I think do not raise issues of sources and methods but which really shed light to the American people on the judgments that are being made. It's my sense, Mr. Chairman, that everybody has come to understand that what we're really focused on here is an agency that has not changed as fast as the world around it has changed, and that there seems to be a blinding capacity to drive for the collection of, "intelligence," with little regard sometimes for the possible negative consequences and certainly with little regard of how useful some of that intelligence may prove to be.

I'm not sure that having colonels on a paid contract basis is a risk worth taking, measured against what they provide, particularly measured against many of the other ways in which information or the very same information is provided. And I think we have to ask and stop—ask if in this new world that we're in, Mr. Chairman, the national interest is always served by the paid collection of some of the characters that we associate ourselves with. This is not the first time this has happened and we've learned the lesson previously about what happens when you sleep with dogs.

I think, Mr. Chairman, there are a legitimate number of questions. I'd like to just share some. I came here expecting that we were going to be able to ask the CIA about some policy questions

and judgments. I would have liked to have asked Admiral Studeman, who I didn't know we were not going to be able to questions of, whether the time has come for Congress and the executive branch to reevaluate when, where, and how we engage in some of these paid clandestine relationships and what their value is to his intelligence efforts. I don't think that violates sources and methods. I would have liked to have asked him about whether he and his predecessors are conducting a review of that or whether they would recommend that kind of review to the new DCI; what the relationship will be to the Aspin Commission; whether we should use paid clandestine human assets in situations where the ramifications of discovery are so great and the risk of U.S. security is so minimal. I would like to know whether that particularly is important, measured against the fact that the embassy, reporting liaison relationship, signals intelligence, CNN and others provide most of the same information. I'd like to know from a policy perspective, without the Soviet threat, why we still need to have paid sources in almost every country of the world. And I think that's the kind of question. If it is for narcotics, if it is for stability reasons, if it is for other reasons, the American people ought to know the answer to that question. It doesn't violate sources and methods; it's a policy issue. It's a judgment. It's how their money is being spent. And it obviously gets the United States into hot water on occasion, and that is what this hearing is about. That's what these issues are about. How does the CIA evaluate and handle paid sources in a way that assures some of those sources are not doing something inimical or embarrassing to U.S. interests? What are the financial obligations that we incur with respect to those sources when we've incurred them? I don't think that is violative of this process. Do we make it clear to those sources in recruiting that we don't finance or protect criminals? Is there something in our methodology that perhaps needs review to guarantee that they understand that that is not the case? At what point do we stop protecting a source? Do you feel that the United States is obligated to protect somebody when we know or think that human rights abuses may be conducted? These are all policy questions, and I'm concerned, Mr. Chairman, that we're not exploring them in public today.

I truly do not feel that we are incapable of drawing the line between those things that might touch on a source or method, and I've found in my previous excursions in public on these issues that nobody has been embarrassed or found any difficulty in having somebody suggest, "Well, Senator, that's something that I think we're going to have to do in the executive session," and everybody's agreed and on we've gone.

So I voice a concern about the methodology and I join Senator Cohen in saying that I think there will be rather less light shed and rather more questions unanswered and perhaps greater confusion as a consequence of not being able to pursue those things.

Let me ask you, Mr. Watson, if Mr.—Colonel Alpirez attended a school or military training in the United States?

Mr. WATSON. I understand that he did, yes, sir.

Senator KERRY of Massachusetts. Do you know the circumstances of that and the name of the school?

Mr. WATSON. My understanding is—and I can get you the full record afterwards; I don't have it with me here—is that he did attend the School of the Americas at some point back in the late—maybe the late 1980's. But I can get you the information on that, sir.

Senator KERRY of Massachusetts. Do you know if there are any indications, either in his record at school or elsewhere, that he was the type of person who might, in fact, be untrustworthy or problematical?

Mr. WATSON. I simply don't know that, sir.

Senator KERRY of Massachusetts. You don't know that.

Do you know of other instances of those who have attended the School for Americas who have engaged in similar kinds of activities that you believe he's been engaged in?

Mr. WATSON. Well, I think that it's common knowledge that some few people who have passed through the classes and courses of the School of the Americas have subsequently engaged in behavior that is quite nefarious. There's no question about that. But I think also the great—the huge, overwhelming majority of people that have gone to the School of the Americas, to our knowledge, certainly have not performed in that fashion.

Vice Chairman KERREY. In the second panel, Mr. Cornell will be able to answer that kind of a detailed question.

Senator KERRY of Massachusetts. OK.

From a policy perspective, Mr. Secretary, is there concern in the State Department about the clandestine information gathering process and the way in which, improperly accounted for, it can run contrary to the interests that the State Department, in fact, places as its highest priority?

Mr. WATSON. Well, I think, sir, in the Department there would be concern about anything that would make it more difficult for us to undertake our policy. But the particular issue that you're getting at, I think, is one of the things that will be looked at by the Intelligence Oversight Board's review. It's my understanding that the President has asked them to get at all the facts in the cases we're talking about, to look at our own operations, the interagency operations as well as within the various departments, to see if we're doing our job well or not, and if not, give us recommendations. And then to make as full disclosure as possible to the American people of their findings, and that's what the President has committed to do.

Senator KERRY of Massachusetts. Well, knowing what was known about Colonel Alpirez at the time he was severed, why would he be paid a significant sum of money, tens of thousands of dollars—40-plus? Is that an appropriate thing to have done under those circumstances?

Mr. WATSON. With all due respect, Senator, that's the kind of issue that I'm certainly not qualified to address or even to comment on in an open hearing.

Senator KERRY of Massachusetts. Why can't you comment on that in open hearing? Why are you here?

Mr. WATSON. I'm here, sir, to try to lay out basically what our policy toward Guatemala is and how we handled these cases.

Senator KERRY of Massachusetts. Well, I'm asking you for your judgment as an official of the U.S. Government. Is that appropriate, to pay a man, knowing what we knew about Mr. Alpirez? Why do you pay him and give him a going-away parachute knowing what we knew?

Mr. WATSON. The State Department didn't pay him anything.

Senator KERRY of Massachusetts. Did you know he was going to be paid?

Mr. WATSON. No, sir. I do not know that he was paid by anybody.

Senator KERRY of Massachusetts. Wasn't it signed off of by Justice?

Mr. WATSON. I do not know, sir. I don't know anything about what Justice may have done in this——

Senator KERRY of Massachusetts. Well, then, why are you here?

Mr. WATSON. I'm here for the purposes that I said, Senator, really. I mean, with all due respect——

Senator KERRY of Massachusetts. Well, I'm not sure what they are. I don't have any further questions.

Mr. WATSON [continuing]. I can't—I can't answer that kind of a question, of who might have paid Colonel Alpirez.

Chairman SPECTER. Well, Senator Kerry, had you been here at the opening, the ambassador testified to the background of what went on in Guatemala and had some relevant testimony to offer. That's why he's here.

Senator KERRY of Massachusetts. Well, Mr. Chairman, I was here. I heard it. And I'm still asking the question, I think the question's still relevant. I mean, this is a judgment issue, it's not a——

Vice Chairman KERREY. For the Committee and for the public as well, I mean, I appreciate, Senator Kerry, that you say that this hearing may accomplish nothing, may add additional confusion, but this Committee has not been silent on this issue up to this day. And in our responsibility we are trying to walk the line between the public's right to know and our requirement to try to protect not just what's going on in Guatemala but what's going on in the rest of the world. And this Committee asked, after we were informed—in fact, last November we sent a letter to Tony Lake asking that the Committee be allowed to share the information that we have with Jennifer Harbury. We requested an Inspector General's investigation of the entire incident. And to be fair to Admiral Studeman, he had already actually launched that IG investigation. This Committee met with the Directorate of Operations on March 23 along with other CIA people. And at that time in very strong language—and I believe Admiral Studeman will confirm that—expressed our anger and outrage at having not been informed and dealing with many of the issues that you have already raised.

And so this hearing is not, as Senator Cohen quite correctly said, being conducted for the purpose of answering every single question that's out there. We have a very detailed investigation going on right now. Fred Hitz is in the room. I don't know if he'll be called later, but I trust, based upon his handling of the Aldrich Ames case, that he is going to bring not just to us in a classified form but will bring to the public in a declassified form a much clearer picture of this entire situation.

Senator KERRY of Massachusetts. Well, I respect that, Senator Kerrey, and I'm not trying to tread anywhere unfair, but the American people have read a huge amount—the papers, newspapers once again are frankly—told us more than many of us have learned through sources we're supposed to learn them.

Vice Chairman KERREY. Well, that's a consequence, in my judgment, that the administration does control when to declassify. In my judgment they made a conscious decision to provide background information beyond what we had. There's no question that that did take place.

Senator KERRY of Massachusetts. No, I realize. All I'm trying to suggest is, that as a consequence of that information now being public, there are legitimate policy questions swirling around, and I feel very personally restrained and encumbered when a committee of this importance meets with the acting director and policy issues that are really judgments that might shed some light on how billions of dollars are being spent can't be answered. I do not want to tread across the line of a source or a method, but I don't think any of the questions that I've framed, that I thought we would be entitled to ask, did so.

Chairman SPECTER. Senator Kerry, I appreciate what you're getting at here, and as Senator Kerry commented, some of those matters were inquired into on the March 23 session where you were not present. And there will be an opportunity to get into those matters with Admiral Studeman at a later time.

Admiral STUDEMAN. Senator Specter, I would be prepared to very briefly comment on three aspects of Senator Kerry's questions if you want; otherwise, we could wait.

Chairman SPECTER. Well, if you're going to volunteer go ahead.

Admiral STUDEMAN. Let me just talk about the first point you made about the fact that—do we review the productivity of assets and your concern about the nature and character of the assets that we have.

I just would point out that even given the particular case that we're articulating today, we would not have known, or might not have known anything about the circumstances associated with Michael DeVine because the first report on Michael DeVine was courtesy of one of those assets that you talk about, essentially. So, while you may quibble over colonels and corporals and others in the context of the HUMINT operations of the CIA, these operations are productive.

And similarly, I would also say that you would not have known our current assessment of what happened to the guerrilla chief Bamaca unless there had been those HUMINT assets associated with that—point number one.

Point number two, with regard to the CIA and in particular the Directorate of Operations. Obviously, the cold war is over. In the context of what we are now doing in the new and future world, CIA recognized early on that changes had to be made in the Directorate of Operations. There is a major redesign plan out for the Directorate of Operations. That major redesign plan has substantial components. It will take years to essentially set it in place inside the DO. The components of that DO design plan relate to management, relate to covert action, relate to HUMINT, relate to technical

operations, relate to organization, relate to oversight, relate to career service management, and relate to accountability.

And there are major, heavy efforts going on inside the Central Intelligence Agency in the DO to refine all the different aspects of this, and we want to come before the Committee and talk about this. It's very important that the Committee chase around after us to ensure that division of the redesign of the DO to accommodate the new world, to work out of the world that we came out of—this is a world in which there was an insurgency, communism fighting essentially Cuban-based Marxist or otherwise or indigenous guerrilla activities—that as we go into a new world that we have a new Directorate of Operations and that we have a new sense of how we deal with things.

We do manage and review asset productivity, payments. There are legal issues associated with that which we can discuss in closed session.

Senator KERRY of Massachusetts. Mr. Chairman, I thank the Admiral for that answer, which proved not to be too painful, I think. And I might say that I want the record to be clear that I really feel that some of these answers might be helpful to us. I am not asking them because I'm opposed to paying for clandestine asset in every circumstance. It's a question of what are the safeguards and what is the process. Particularly in this new world, we're going to need to be—in terms of narcotics and other things—as you know as a former prosecutor of the old saying, that when you're prosecuting the devil, you don't go to heaven to get your witnesses. And you're going to have a certain number of people you're going to need to deal with on this level.

I just want to make certain that there's a balance between the human rights and political goals, humanitarian goals, democracy goals in a particular place, and the other kinds of goals, and that the American people understand we're weighing those and we have a thought-out process rather than a mere continuum of the cold war thinking, which saw everybody in one light and without those kinds of restraints and restrictions.

Admiral STUDEMAN. Absolutely.

Chairman SPECTER. We're going to have to move ahead here.

Senator Hutchison, you're next.

Senator HUTCHISON. Thank you, Mr. Chairman.

I'm sorry that I have stepped away. I had to preside on the floor.

Chairman SPECTER. Oh, pardon me, Senator Hutchison. I misspoke. Senator DeWine was here earlier.

Senator HUTCHISON. I absolutely yield.

Chairman SPECTER. Michael, you're on. I'm sorry.

Senator DEWINE. It doesn't matter. We can—Mr. Barrett, my understanding is from your testimony, you're the Counselor to the IG at the Justice Department.

Mr. BARRETT. That's correct, Senator.

Senator DEWINE. And so what you are doing actually is after the fact going back, being involved in a review of what the Justice Department's involvement was, what you knew, when you knew it, what information you had, what information you transmitted back to the CIA or anybody. Is that correct?

Mr. BARRETT. That's correct. We're in the process of interviewing people who had contact with this issue or this realm of issues and locating documents that are in various Department components.

Senator DEWINE. Is there anyone here today who was involved—at that time who was involved in making the legal judgment?

Mr. BARRETT. Senator, from the Department, no, there is not.

Senator DEWINE. I think that's unfortunate, and I certainly do not fault you, Mr. Barrett, for making that decision that you should be here today instead of someone else. But it seems to me that one of the things that we always want to know, the American people always want to know, with our sense of justice, is whether or not, if a crime has been committed, which obviously it has been here, whether or not it's possible under American law for any prosecution to occur, what the analysis—if the answer is no, what analysis was made of that, what the pertinent laws are, what the review was.

Mr. BARRETT. Yes.

Senator DEWINE. And I'm not suggesting that it should have been or shouldn't have been. But I think that would be—it's one of the questions that I think the American people and certainly the families involved would be very interested in knowing. I just think it's unfortunate there's no one here who can directly respond to that.

Mr. BARRETT. Senator, with the overarching caveat that the review is ongoing, there are a couple of points that are relatively clear.

Senator DEWINE. Why don't you tell us what you can tell us and——

Mr. BARRETT. I'm happy to do that.

Senator DEWINE [continuing]. And as succinctly as you can because our time is short, but I do appreciate it.

Mr. BARRETT. Yes.

First, in the realm of criminal investigation and prosecution, the Department of Justice role is relatively limited and defined, and so many of the issues that have come up in prior questioning are not DOJ issues. The DOJ issue is a criminal case. And the relevant statute has a motive element that limits it not to simply a killing of an American citizen abroad, but a killing that is motivated by an intention to retaliate, coerce, or intimidate a government or a population. And so it's a question of the evidence that is available to the Department of Justice and an evaluation that has to be made by the people who professionally prosecute those cases year in and year out on behalf of our government.

In this instance, at this stage of our review, there is no question that information was referred to the Department of Justice and it was routed to the appropriate prosecutorial components of the Department, where it was evaluated with an eye on that jurisdictional question. And at the end of that process, the evidence of motive at that time, 1992, early 1992, was, in the judgment of those officials, not present. And so——

Senator DEWINE. That's very helpful.

Mr. BARRETT [continuing]. That is the general summary I can give you at this stage in our inquiry of the Department of Justice role.

Senator DEWINE. Can you tell us whether you have determined whether that information was routed back to the CIA or to State Department?

Mr. BARRETT. I would actually defer to Admiral Studeman because of the open session——

Admiral STUDEMAN. We did get the Justice Department ruling on jurisdiction, yes.

Senator DEWINE. Was that in writing? If you know.

Admiral STUDEMAN. I would defer to my General Counsel. No, it's not in writing.

Senator DEWINE. And what was the timeframe of that turnaround, if you know?

Admiral STUDEMAN. We—I believe we made the report in November, and we got the reply—in November 1991, and got the reply in March 1992.

Senator DEWINE. Mr. Barrett, would that be a normal turnaround time?

Mr. BARRETT. I'm advised both by the CIA and by the prosecutors at the Department who do this that 120 days or four months is not something that's extraordinarily delayed or subject to criticism, that in a murder case——

Senator DEWINE. I find that shocking. But——

Mr. BARRETT. In a murder case, a review of evidence and contemplating investigation is not an overnight decision.

Senator DEWINE. I can understand the complexity. You seemed to indicate, however, that the narrowness of the statute certainly had an impact on applying the facts against that.

Mr. BARRETT. Oh, that's absolutely correct.

Senator DEWINE. When the Justice Department engages in a review such as this, do you ever, as a matter of policy, go to any other agency, go back to the CIA for additional information, or when the law would allow, go to the FBI?

Mr. BARRETT. At this point I think I need to invoke the ongoing nature of our inquiry. That is certainly part of the question that we're looking at.

Senator DEWINE. My question had to do, though, with as policy. I mean, is—I didn't ask you about this specific case.

Mr. BARRETT. Yes, as a general——

Senator DEWINE. As a general rule, can that be done; is it done?

Mr. BARRETT. Yes, as a general matter, the report from the CIA can begin a dialog. It is not a one-shot communication that the Department of Justice cannot followup.

Senator DEWINE. And you're not prepared today—and I understand if you're not—but you're not prepared today to tell us about if there was a dialog back and forth then?

Mr. BARRETT. Yes, I'm not prepared to address that.

Senator DEWINE. I appreciate that very much.

Ambassador Watson, could you tell me what you know about our contacting, if we did, the Guatemalan government in regard to criminal prosecution by the government, beyond what you've already testified to, in regard to the officers who were tried, but in regard to any other contact, in either case?

Mr. WATSON. Oh, there were a great number of contacts, Senator DeWine.

Senator DEWINE. Specifically in regard to Alpirez.

Mr. WATSON. I'd have to go back and look very carefully at the records from 1990–91, to see if Ambassador Stroock—when he mentioned this, but I know for certain that our ambassador raised with the government of Guatemala our profound concern that more senior officers than Captain Contreras were aware of some elements of this event which resulted in Mr. DeVine's tragic death and that they were not being forthcoming about those elements and, in fact, were conspiring to coverup to some extent this event. And that included people at the training base where Colonel Alpirez was, that I mentioned earlier, and also at the base further north in the town of Flores, where Contreras' men came from when they came down to seek Mr. DeVine near Poptun. So there are people in both those bases that we think have more information than they are making available to the courts or to the public.

This is not to prejudge exactly what their role may or may not have been, but it is to say that they certainly, in our view, have information that they should have made public. I know that Ambassador Stroock made this point to Guatemalan authorities many times. I can check our records, sir, if you'd like, and give you a sort of a chronology of this.

Senator DEWINE. That might be helpful, but if—my understanding of your testimony is that you are satisfied that as far as your department is concerned, you were aggressive in this manner, that you contacted the Guatemalan government, provided them with the information that we had, to no avail.

Mr. WATSON. Well, that——

Senator DEWINE. Beyond what criminal prosecutions that did occur.

Mr. WATSON. The quick review that we have done of the files available to us in the State Department of that period—and we don't have all the files—indicates very clearly that our ambassador and all of the elements of the embassy were extremely aggressive, extremely aggressive both in trying to get information that would lead to determining who the perpetrators of this crime were and making a conviction, and also presenting our concerns to the Guatemalan government about all aspects of the case, including the one you're mentioning.

Senator DEWINE. I would like to go back, if I could, to your written testimony, which you repeated orally, where you state, "We have conflicting information on the role of Colonel Alpirez. The bulk of the information suggests that he was involved in a coverup." My emphasis on the word "coverup," but that—you did repeat that.

Later on in your oral testimony you made a statement. I did not write it down verbatim, so you can correct it, please, as I go, but basically that indicated that anyone who was in charge of that base clearly would have known that other officers from another base were on that base for at least up to two days. And I wonder if you could elaborate on that and tell us what you think the significance of that is.

Mr. WATSON. Well, let me give you what I can on that, and I think Admiral Studeman also referred a little bit to this in his statement. Our perception is that when Captain Contreras' men

came down from Flores to Poptun and went to the base where Alpirez was the senior official that he—that he, Alpirez, should have known and others would have known that they were there. They were there for two full days. They had a vehicle there. They were eating their meals there.

I think that Colonel Cornell, who will be testifying later on today, can give you much more detail about this than I can because he was there and did a lot of the work. So he's an eyewitness, and I'm only a secondary source.

Senator DEWINE. I understand.

Mr. WATSON. But we went immediately to Alpirez to try to get—to try to get some cooperation from him in this, and we were basically stiffed. For example, some records of the base that you would have expected would have been made available were not available.

Senator DEWINE. Mr. Ambassador, my time is up. I do have one question which you can answer very quickly or take some time later on: In light of the President's actions the last several days as reported in the news media, in light of what has occurred the last several months, I would be interested in your comments about where American foreign policy goes from here in regard to Guatemala, particularly in regard to our concern about human rights and what leverage that we have in that area?

Mr. WATSON. Well, if I may, Mr. Chairman, I can answer——

Chairman SPECTER. Proceed.

Senator DEWINE. And my time is up, so if you could be——

Mr. WATSON. Yeah. I think our policy will continue to be pressing to fortify the strengthening of democracy, which is very fragile in that country, to—and in that context, contributing to the ending of impunity, which is enjoyed by members of the armed forces and others in that society, to strengthening the respect for human rights and a full participation of all citizens in the society, to contributing to this peace process which we think is the key to everything.

If you can get this civil war to end on reasonable terms with an inclusive political process, then I think that many of the kinds of horrors we've seen in Guatemala over the last decades will be much more easy to deal with. And so those are our fundamental points——

Senator DEWINE. So——

Mr. WATSON [continuing]. And we will keep pushing on that. We will be providing economic assistance to strengthen the human rights ombudsman and the administration of justice and that sort of thing. But at the same time, as we will be putting pressure as hard as we can on justice in these cases, a particular concern to the United States of America.

Senator DEWINE. Thank you very much.

Chairman SPECTER. Thank you, Senator DeWine.

Now I turn to Senator Graham.

Senator GRAHAM of Florida. Thank you, Mr. Chairman.

Mr. Studeman—Admiral Studeman, you mentioned that U.S. funding for intelligence activities in Guatemala began to decline after 1989, is that correct?

Admiral STUDEMAN. Yes, sir, that's correct.

Senator GRAHAM of Florida. What was the level of U.S. intelligence funding prior to 1989 on an annual basis for Guatemalan activities?

Admiral STUDEMAN. The funding ramped up to a high of about $4 million to $4.5 million a year and then ramped back down to its current level. The high was in 1989.

Senator GRAHAM of Florida. And the current level is?

Admiral STUDEMAN. The current level is around $1 million a year. But as you know, the President has suspended part of that.

Senator GRAHAM of Florida. In the period from 1989 to 1995, what were our principal intelligence objectives to be secured in Guatemala?

Chairman SPECTER. Senator Graham, you may not have been here when we established the parameter of not inquiring of Admiral Studeman the concern as to sources and methods.

Senator GRAHAM of Florida. Well, I wasn't asking about sources and methods, just what was the general policy objective, because in subsequent statement, the Admiral indicated that our high level of funding was predicated upon certain concerns about communist infiltration, role of Fidel Castro, et cetera. As those became less of a threat, what was the policy basis for our intelligence involvement in Guatemala?

Chairman SPECTER. Admiral Studeman, if you feel comfortable, proceed.

Admiral STUDEMAN. Let me just say we met another threshold here, but I'm not going to hide behind it, with regard to the fact that there were in place at that time covert action plans, some beginning, some ending. The Central American covert action plan has now ended. It ended in fiscal year 1994, last year. As of the last payments, there are no more operations or activities.

The Central American covert action plan started under the Reagan administration, essentially. There were Findings in the early 1980's and in the mid-1980's. They were all modified by memorandums of notification. They also were briefed extensively to all of the executive branch oversight elements as well as to the committees and funded through these committees, and the focus of the Central American plan was clearly on fighting insurgency in Central America.

Senator GRAHAM of Florida. Mr. Chairman, I'd like to reserve the right to pursue that issue when we are in closed session.

Chairman SPECTER. Fine, Senator Graham. That would be entirely permissible.

Senator GRAHAM of Florida. Mr. Watson, when did the State Department become aware of the death of Mr. DeVine?

Mr. WATSON. I believe within 24 hours after his body was found, Ambassador Stroock was aware of that.

Senator GRAHAM of Florida. And what date was that?

Mr. WATSON. I think that would have—be then about the 9th or so of June 1990. Don't pin me down on that, but the death took place on the 8th. It was very shortly thereafter, and I asked Ambassador Stroock in a telephone conversation about this yesterday, and he said that within 24 hours he was apprised of this.

Senator GRAHAM of Florida. At the time that the State Department received the information of Mr. DeVine's death, was there any theory as to the motive behind his death?

Mr. WATSON. My understanding, Senator—and this comes from people who were involved at the time, as it was several years ago—is that there was no initial assumption of why he was killed. They just knew that he was killed—and that we needed to investigate immediately. Because of the weakness of the police presence in that part of Guatemala—I gather that they didn't even have any telephones, only had a couple of officers—the embassy initially turned to the military for assistance in discovering who the perpetrators were and what happened.

But within a very short period of time—and I think can say, with excellent help from the Central Intelligence Agency—the ambassador and others came to the conclusion that the military were, in fact, part of the problem, not part of the solution. And so we then started to look—to work with the civilian government and cooperating very much with Mrs. DeVine and people that she had working with her to put together the pieces of the case. And by August or so—but within two-and-a-half months of the murder, I think our embassy was pretty confident they knew really what had happened and who had done it.

Admiral STUDEMAN. The ambassador's statement and, I think, also our evidence suggest again the principal motivation had to do with the recovery of these weapons. That's why this team was essentially sent down there. There were weapons stolen which were accountable to the senior Guatemalan military officer, the suspicion that Mr. DeVine had possession of these weapons, and so this team was sent, essentially, with the original instructions of essentially reacquiring custody of these weapons.

Mr. WATSON. I think that's correct, but——

Admiral STUDEMAN. Beyond that, it could have developed into other things, clearly, and the dynamics we're not clear on.

Mr. WATSON. But at the very outset—I think the Senator's question was right at the very outset, when Ambassador Stroock was first informed, it's—and my understanding is that there was no assumption as to exactly who did it or what. In fact, they might have thought it was common crime of some sort. But they wanted to explain it, they turned to the military first because of the weakness of the police organization, then rather quickly realized, with some good help from a variety of people, that the military were part of the problem rather than the solution, and they started to turn to civilian authorities, and working very closely with Mrs. DeVine and people that she had working with her, put together the pieces of this puzzle within about—within a little over two months.

And then it was a question of pushing for action in the judicial system against these people. And that took a long time, but they were finally convicted in September 1992, and then Contreras in May 1993.

Senator GRAHAM of Florida. And it was based on that questioning of the reliability of the military that the United States in December 1990 suspended its military assistance, is that correct?

Mr. WATSON. Yes, sir, because the pieces were there, action needed to be taken, and it wasn't being taken. And the military leaders,

as I mentioned earlier, were stonewalling us and their own judicial folks. And we thought that was intolerable, and so the President decided to suspend foreign military financing and military assistance program funding. The total in the pipeline and in new funding was about $13.6 million, which was stopped definitively at that point.

Senator GRAHAM of Florida. However, as recently as March 10 of this year, the United States was still providing international military and education training funds to Guatemala, is that correct?

Mr. WATSON. Yes, sir. That is correct.

Senator GRAHAM of Florida. Were there any other exceptions to the prohibition of funding to the Guatemalan military other than the ramping down of the intelligence funding and the $200,000 a year for IMET?

Mr. WATSON. My understanding is that, while there is no foreign military financing, there is no military assistance program, there is still a very small amount of IMET for three courses inside Guatemala, and the President on March 10 stopped programs that would take place in this country. The remaining courses deal with resource management, with democracy and human rights and with civil society and those kinds of things which we think are important to go ahead with. So those programs are going ahead. But that's all that—in military assistance that's within our jurisdiction that I know is going forward.

Senator GRAHAM of Florida. Subsequent to our knowledge in December 1990 that the military, as you say, may have been more of the problem than the solution, what was the rationale for our continuing to utilize the Guatemalan military as a source of intelligence information?

Mr. WATSON. Well, I simply can't give you a description of the decisionmaking process in 1990 inside the administration, Senator.

Senator GRAHAM of Florida. When we have our closed session I wonder if we could have some testimony as to what the rationale was in December 1990 relative to continuing what level of intelligence and military support would still be made available to the Guatemalan military.

Chairman SPECTER. We certainly can at that time, Senator Graham.

Mr. WATSON. May I add, Senator, Mr. Chairman, that if—in the course of our review of documents and in the course of the Intelligence Oversight Board's review we may come up with some more information about how the decisionmaking process worked back then that's not available to me at this point.

Senator GRAHAM of Florida. There have been allegations that there might have been some drug involvement in these incidents. Does the State Department have any evidence that that might have been part of the motivation?

Mr. WATSON. In which sense, sir?

Senator GRAHAM of Florida. The allegation is that the Guatemalan military was involved in protecting various drug operations and that one of the reasons that Mr. DeVine was killed was because he had evidence of that involvement.

Mr. WATSON. Sir, we have absolutely no corroboration of that report. We've seen that report in the press. We have no corroboration of that.

Senator GRAHAM of Florida. I wonder, Mr. Chairman, at the closed hearing, if we could have representatives of appropriate agencies, such as the DEA, who might be able to discuss whether they are aware of any corroboration of that allegation.

Chairman SPECTER. Yes, Senator Graham we can pursue that.

Senator GRAHAM of Florida. Thank you.

Can I ask one last question? In October 1993, two of the individuals who had been imprisoned as a result of the trial relative to the murder of Mr. DeVine, Army Specialist Francisco Solobol and Army Specialist Dibersio Hernandez publicly claimed that they had been engaged in Army-run death squad activities and had information of clandestine cemeteries and jails. Are you aware of that, and if so, do you know if those individuals were interrogated, and if so what were the results of those interrogations?

Mr. WATSON. Yeah, I know in a general sense, Senator. I can get you more detail later. We were aware of these remarks, we tried to follow them up immediately, and in following them up we found we got nowhere.

Senator GRAHAM of Florida. Thank you.

Chairman SPECTER. Thank you very much, Senator Graham. We're allowing just a little latitude hoping that, with the possible exception of Senator Cohen, we can complete this on one round.

Senator Hutchison.

Senator HUTCHISON. Thank you, Mr. Chairman. I want to say first that I had to leave to go preside in the Senate, but I'm sorry to have missed much of this testimony.

I am a firm believer that we should have intelligence gathering in our country. I think it is essential for our security and for the security of our allies. However, because of the covert nature of what intelligence gathering must be, I think the role of Oversight Committees in Congress is even more important, and one of the areas of concern that I have is exactly what policies we should have regarding information to the Oversight Committees. I would like to ask anyone on the panel—after the death of Mr. DeVine in 1990, the Justice Department was consulted about whether there was enough evidence regarding the CIA asset to prosecute him or anyone in connection with the murders, but the Oversight Committees of Congress were not consulted about what truly was an ethical issue and one that I would think would be within the oversight.

Is there anyone on the panel who could say if the Committee should have been—the Committees should have been consulted?

Admiral STUDEMAN. That's a question clearly for me. And let me say that—as I've already said in my statement—we do believe certainly that the Committee should have been informed and that, based on our review, there was clearly somebody in the CIA thinking about it, but it never connected. It never happened. And so, as I said, there's no explanation for that. I don't believe it's necessarily an intent to mislead, but I don't know that for a fact, and I think that's going to have to await the final results of the IG inspection.

I absolutely agree with you that if we're going to make a crimes report to the Justice Department about the alleged presence of an individual at the interrogation of a U.S. citizen in which that citizen dies, that information should come to the Committee.

Senator HUTCHISON. Thank you. I really do appreciate your coming forth with that, because I certainly agree with you. And I hope that we will have policies in the future that we don't learn something like this four years after the fact. Let me say that another issue, I think, here, of course has to be what our policy is regarding the character and actions of CIA assets, and that is something that I know we will take up in closed session. Is there anything that any of you would like to say regarding where the line should be drawn? I think it has been stated many times that when you are in intelligence gathering, there are standards that perhaps we wouldn't have if things could be gotten in the open. But nevertheless, there are standards beyond which I think we can't go as a democracy. Do you have a thought on that?

Chairman SPECTER. Admiral Studeman, as the hearings progress, you have shown more of a willingness to respond to these questions. When you do so, you're starting to open the door and starting to get very close, but the Chair will——

Admiral STUDEMAN. Well, I begin—let me just say——

Chairman SPECTER. Excuse me, excuse me.

Admiral STUDEMAN [continuing]. The doors——

Chairman SPECTER. Excuse me, excuse me.

Admiral STUDEMAN [continuing]. The doors I simply can't——

Chairman SPECTER. Excuse me, Admiral.

The Chairman will leave it within your discretion to what extent you want to answer that question.

Admiral STUDEMAN. Again, let me just say, the two doors I can't walk through here have to do with sources and methods and detailed discussions of covert action programs. To answer, I think, your question as theoretically as I can, we ought to deal with human assets on the basis of access and productivity—that is, what it is they know and how much they are essentially telling us—and we ought to deal with assets on the basis of the fact that they are not engaged essentially in some kind of despicable activity or actual crimes. And we do have a process inside the Agency for essentially trying to evaluate productivity, certainly relative to the investment we make in these resources, and we do have a process that's supposed to work that determines whether or not these people are engaged in nefarious activities and if they're so engaged in nefarious activities some steps are then taken to terminate our relationship with those people and to make the necessary reports up the line, particularly to the Justice Department if there are crimes indicated. That's standard policy in the Agency.

Senator HUTCHISON. Let me turn to Secretary Watson and just ask if you feel the U.S. intelligence did everything that it could and should have done with regard to the two killings in Guatemala.

Mr. WATSON. Well, Senator Hutchison, I suppose none of us ever do everything we should and could have done in any circumstances, although we do the very best we can. And I think that the information provided by the Central Intelligence Agency in these cases has been extremely helpful and crucial.

But in terms of drawing any final conclusions to answer your question, I would prefer to wait and see what the results of the effort by the Intelligence Oversight Board are, because that's exactly I think why the President asked them to take a look into these situations, to see how well we've done and see if we could have done better and if so in the future how we can do better.

Senator HUTCHISON. Do you feel that the ambassador to Guatemala from the United States had full information? And is the CIA in your view responsible for giving all of the information that it has within a country to the ambassador from America to that country?

Mr. WATSON. Well, I think that in any country, questions of sources and methods and things like that that the Admiral has been mentioning, have to be dealt with in a separate way. But reporting should be made available, certainly, to the ambassador, and she, in this case, should have the ability to comment on that.

I think that, just to pick up the first part of your question, Senator, I think that the question of whether or not all information went in all the right places at all the right times is something that the Intelligence Oversight Board is going to be looking into.

Senator HUTCHISON. In general, do you think that the intelligence community is providing relevant, timely, and productive information to our ambassadors?

Mr. WATSON. Yes.

Senator HUTCHISON. OK.

There's a third area here that I think we need to pursue, and that is the State Department's role with regard to American citizens, and do you feel in this case that the State Department treated these American citizens in the way that they deserve to be treated? And did they fully inform them—let me say, are you comfortable that the State Department and the ambassador did everything they could have done in these two circumstances with regard to the deaths of Mr. DeVine and Mrs. Harbury's husband?

Mr. WATSON. Yes, I think so. I certainly can understand, as I mentioned in my statement, the frustration that people feel, that we feel also, in our inability to get more information about these cases, and more definitive and more conclusive information. And it's so often we're working in a world of half-facts or half-truths, information we can't judge the reliability of. But I think that in both of these cases our ambassadors and also people in Washington as well, have been enormously supportive, have applied an enormous amount of energy to try to find out what happened and to make the appropriate representations to the government of Guatemala, to uncover as much information as possible and to analyze it to the very best of their ability and to inform the concerned individuals to the best of our ability.

Now, that does not mean always reporting every bit of intelligence. That would not be appropriate for us to do. It means being very careful not to mislead and to give unformed assessments or judgments. We're dealing with situations of enormous sensitivity and importance, and the last thing we want to do is be misleading. But it means also, as we think we have done, is sharing our very best and our honest assessments with the people most concerned when we have confidence that those assessments are correct and accurate, and I think that we have done that.

Senator HUTCHISON. I see that my time has expired.

Thank you.

Chairman SPECTER. Thank you very much, Senator Hutchison.

Senator Glenn.

Senator GLENN. Thank you, Mr. Chairman.

I want to associate myself with the remarks of Senator Cohen. But I had concerns I expressed to some other Committee members. And Mr. Chairman, I apologize, I should have talked to you about this earlier, which I did not. But I think it's a mistake to have hearings on these matters in open session. Every time we have a problem like this occur, we try and have an open session; it doesn't usually accomplish anything worth a hoot. And then we go into closed session and get some real information because you have to protect sources and methods. That's the way things should operate. So I don't think the Committee should be in open session because you can't give us the information we really need in this forum.

This Committee, though, has special responsibilities. And we're supposed to be given all the information privately so we can make our judgments. We do that by getting Presidential Findings first and then reports on how those Presidential Findings are being carried out.

My question is not on sources and methods. My first question would be on, do we have all Presidential Findings at this Committee? And I say that because we had an incident in the past where we had a retroactive Finding in the Iran-Contra matter, and it wasn't reported to this Committee for over a year; and we were kept in the dark deliberately. Now, do we have all the Presidential Findings—because that's key to carrying out our responsibilities as a Committee?

Admiral STUDEMAN. To my knowledge, Senator, you have not only all the Findings but all the interlocking memorandums and notification that relate to the changes to those Findings, and I would be happy to inventory your collection of Findings against my collection of Findings.

Senator GLENN. All right, good.

Would you know of all the Findings? I presume you would.

Admiral STUDEMAN. I certainly do know of all the Findings. Again, these Findings are reviewed not only every year by the administration but when they're made they're briefed to the administration and briefed also to these Committees.

Senator GLENN. The MON's, the memoranda of notification, are used to change anything that's going to be carried out under those findings. Have we had all those MON's?

Admiral STUDEMAN. As far as I know you do.

Senator GLENN. OK, that's good.

Now, in a little different area, on page 11 of your testimony you indicated that the CIA made some management procedural mistakes: "First, as already noted, we did not brief the Oversight Committees on important 1991 information related to DeVine in the same way we had briefed the Department of Justice. We regret we did not do so." Question: Who made the decision not to brief this Committee and why was that decision made?

Admiral STUDEMAN. Well, I've already addressed that, based on my knowledge, based on an answer to two previous questions,

Senator. But to repeat, I am not aware of any conscious decision not to brief the Committee. In fact, there is internal correspondence in CIA reflecting an intent to at least brief the HPSCI. We can—the House Permanent Select Committee on Intelligence, your counterpart Committee in the House. And we almost never brief the House without briefing the Senate. Now, our methodologies for briefing, as you know, go from everything from staff to staff to staff—to our staff to principals, and also dealing in very restricted sessions with only the Chairman. In that period of time—and this is no excuse—there are no—there were not very good records kept about what was essentially briefed up here. I think it is highly likely, based on our total analysis to date, that it was simply not briefed. I don't think it was intentional. I think part of the factors that had—that bear on this had to do again with the issues that we had reported this to the Justice Department, there were issues associated with that, that we were awaiting a reply, and I think it actually slipped under the carpet, in all honesty.

Senator GLENN. OK.

Admiral STUDEMAN. I'm not sure we'll ever know.

Senator GLENN. All right, fine.

Mr. Secretary, have we demarched the Guatemalan government to ask them for information and details on the DeVine and Bamaca cases?

Mr. WATSON. Yes, sir. Frequently.

Senator GLENN. Can you tell us when they were demarched and how they responded to those demarches?

Mr. WATSON. Well, there were an enormous number of demarches, the most recent one was last night when our ambassador went in to see President De Leon at the instruction of the Secretary of State and carried a letter from the Secretary of State urging the president to do everything necessary to get at the root of these two cases and telling him how enormously important it was, advising him also formally of the President's decision to take some steps to reduce the level of CIA support—or liaison—and also to make available to President De Leon the Federal Bureau of Investigation to help out in these investigations whenever the government of Guatemala decides to abandon a policy of impunity and start getting to work on it.

Senator GLENN. Can you tell us what their response has been—in open session?

Mr. WATSON. The response—I could give you a much longer chronology, but the response last night was a tentative response by President De Leon, who indicated a deep awareness of our concerns, very impressed by getting the letter from the Secretary, and promised to get back to us as soon as possible with at least what he would recommend be the next steps in these cases.

Senator GLENN. OK, we haven't had the level of cooperation yet that we'd like to really get any inside information from their government.

Mr. WATSON. We certainly have not had the level of cooperation that we would like. I do just want to point out that Captain Contreras and five enlisted men were convicted, and the enlisted men are serving time for the murder of Michael DeVine. But what we're after in that case is recapture of Contreras so he serves his

20 years and that the more senior officers that have to have known something about this case, either in dispatching Contreras' men to pick up Mr. DeVine, or in harboring them, these men, during some point associated with the crime, that those people come forth and bear the responsibility they have, if there is any, for the crime and certainly for what appears to be to us a coverup.

Senator GLENN. Just one other question.

Admiral, as a matter of policy, are CIA chiefs of station required to consult with and seek the approval of the U.S. ambassador before engaging in intelligence operations in a host country?

Admiral STUDEMAN. The chiefs of stations coordinate extensively with the ambassador, and that's done—the ambassador is authorized to know all that the chief of station knows. Some ambassadors choose to know that and some ambassadors choose to have a more distant relationship with the chiefs of station. But generally speaking, the dialog around the world between chiefs of station and the ambassadors is very good. I do not——

Senator GLENN. As far as CIA's concerned, though, your people are instructed that if the ambassador wants to be fully briefed on everything, he's briefed. Is that right?

Admiral STUDEMAN. Right.

Senator GLENN. OK, so it's up to the ambassador, then, as to how——

Admiral STUDEMAN. To define the relationship.

Senator GLENN [continuing]. He wants to get into these things.

OK, was there close consultation in Guatemala between the chief of station and the ambassador?

Admiral STUDEMAN. As far as I'm aware, there was. We're talking about now several ambassadors and several chiefs of station, but as best I can tell, there was.

Senator GLENN. What was that?

Admiral STUDEMAN. Again, I don't—I'll look at the people back here and see if they—any nodding or—again, I get no nods at—I guess if it wasn't, it will come out in the context of the investigation.

Senator GLENN. All right. Thank you.

That's all I have, Mr. Chairman.

Chairman SPECTER. Thank you very much, Senator Glenn.

Senator Shelby.

Senator SHELBY. Thank you, Mr. Chairman.

Admiral Studeman and Secretary Watson, do you believe it's very important not only for the State Department or the Central Intelligence Agency or any other governmental agencies to never lie to or mislead the American people, or, for that matter, the Congress?

Mr. WATSON. Certainly.

Admiral STUDEMAN. My answer to that's an unambiguous yes.

Senator SHELBY. That's very—same answer from——

Mr. WATSON. Certainly.

Senator SHELBY. Do you believe that it's very, very important that the CIA maintain integrity, not only in the eyes of the American people but the Congress, and especially the Oversight Committee that we're sitting on now, the Intelligence Committee, that

deals with intelligence matters? Do you believe that's important? The integrity of the CIA is very important.

Mr. WATSON. Yes—are you addressing that question to me, Senator?

Senator SHELBY. Yes, sir. I'm——

Mr. WATSON. Yes, I do.

Senator SHELBY. And Admiral?

Admiral STUDEMAN. Absolutely.

Senator SHELBY. That's a given, isn't it?

Admiral STUDEMAN. It is a given. Now, not to say that it's easy to do, but it's a given. Yes, sir.

Senator SHELBY. That's right. But it's very important, isn't it?

Admiral STUDEMAN. It is important.

Senator SHELBY. Candor's important.

Now, without getting into—and I'm not going to get into sources and methods. We'll get into that later. And you're very right that you have to protect that. Otherwise, you'll have no intelligence gathering sources. Admiral, you said in your statement, "To conclude, let me reflect in a larger sense on the role of the intelligence community in a democratic society." And I know we operate as in the democratic society, and that's tough at times on intelligence gathering methods and sources. But you say at the direction of U.S. policymakers—and I know the President of the United States makes the policy through the State Department and others, and the CIA is basically not a policymaker. Is that correct?

Admiral STUDEMAN. That's correct.

Senator SHELBY. And to quote, you said, "We provide information on such difficult issues"—and they are difficult—"as civil wars, terrorism, narcotics, weapons, proliferation, organized crime, instability related to regional ethnic, tribal or religious conflict like we're talking about here." And you say, "It's a continuing dilemma that in collecting vital information on such topics, we do not necessarily find our sources among the pristine, the honorable and the elegant." That's a given, too. We know who you have to deal with at times.

But when you deal with these people, you can always deal with them, can't you, on an honorable basis, protecting the integrity of the Central Intelligence Agency at all times, upholding the dignity and the honor of the American people?

Admiral STUDEMAN. I certainly hope we would try. Yes, sir.

Senator SHELBY. Now, you said a few minutes ago, when we've been questioning—various Members of the Senate here today been then questioning you about timely information, information that's timely is important, you know, in the gathering of intelligence or the sharing of information. But to fail to inform the Oversight Committee here, the Intelligence Committee of the U.S. Senate, from time to time—this is not the first time that this has happened—and then you come up and you say, "Well, we regret—I regret this failure to keep the Congressional Oversight Committees fully informed." Well, if you're not fully informed on vital information you're not really into the loop, are you?

Admiral STUDEMAN. In the sense of compliance?

Senator SHELBY. Right. Right. In other words, if you withhold, consciously or unconsciously, information from us, the Oversight Committee of the Intelligence Committee, we're shortchanged——

Admiral STUDEMAN. We're not performing up to our trust. That's correct.

Senator SHELBY. You're not performing your duty. Was this a careful choice of words, here? Fully informed?

Admiral STUDEMAN. I believe that's the way the statute reads, that we're required to keep the Committees of the Congress fully and I think it says completely informed, I think.

Senator SHELBY. OK, you said that actually this information actually slipped, probably slipped under the carpet. That's a big carpet over there at Langley, isn't it? To hold all the things that have slipped under it? It'd have to be a large carpet.

Admiral STUDEMAN. I will say—not in defense of ourselves—but of course we are dealing with hundreds of thousands of pieces of information that are of possible relevance to the Committee or interest to the Committee.

Senator SHELBY. We understand that. We understand that you have to analyze this information. But you've got some of the brightest people in the world over at Langley to do this and we know this, and we want you to have—because intelligence gathering is important to this nation. But honor and truth is important too, isn't it?

Admiral STUDEMAN. Absolutely.

Senator SHELBY. It's the very foundation of this. Human rights are important to America, too, aren't they? Whether they're involving someone in Central America, whether they're involving an American citizen—that puts a little more intensity on it. Whether they're involving someone that's married to an American citizen. Aren't human rights important?

Admiral STUDEMAN. Yes, sir, they're not only, I think, of paramount importance, but you have to recognize that like the State Department, we teach human rights in the context of our——

Senator SHELBY. We know you teach it, but do you practice it?

Admiral STUDEMAN. We teach it—I'm talking about teaching human rights to the liaison services and the people with whom we have training relationships over there, and, in fact, there's good evidence that our sensitivity training and human rights as it is with the State Department pays dividends.

Senator SHELBY. But not under all circumstances?

Admiral STUDEMAN. Not under all circumstances. The record is ragged.

Senator SHELBY. Would your concern as an American and as the acting director of CIA, concern for human rights, knowing that—what we believe in in America and what the standards are, would that impede you in carrying out your operations in intelligence gathering through the CIA?

Admiral STUDEMAN. No, I don't think it would impede us.

Senator SHELBY. In other words, you could have both, couldn't you?

Admiral STUDEMAN. Sure.

Senator SHELBY. And isn't that the goal that you just alluded to, is to have both? We've got to have good intelligence. We've got to

have timely—well, intelligence that's not timely is not worth much. But at the same time, if we adhere to the other standard of human rights at all times, timely information to this Committee at all times, we probably wouldn't be here today, would we?

Admiral STUDEMAN. No, sir, but I think it's important for me to inform the Senator that the vast majority or a large proportion of the reports of human rights violations that are made the subject of things like political diplomatic demarches to other countries are based on information derived by intelligence sources and methods.

Senator SHELBY. But if we're going to rebuild the image of the Central Intelligence Agency, not only dealing in situations like this, but because of the Ames case and others, with a new Director that's been nominated by the President of the United States, Dr. Deutch, we're going to have to work together and you're going to have to set some premises to deal with this Committee on a timely basis, not let things slip under the rug, consciously or unconsciously, or at least that you can draw an inference to that.

Admiral STUDEMAN. I concur with that comment completely. Certainly as a senior manager, you certainly wouldn't think that I like to come up here and say I didn't do my job. It's certainly not a very comfortable position for me to be in. And every time I hear about more of these circumstances, essentially it certainly doesn't please me.

Senator SHELBY. But Secretary Watson, it's very important from the perspective of the State Department carrying out the policy of the United States, that the policy at all times be above board, that you, too, in the State Department be candid with this Committee; is that correct?

Mr. WATSON. Yes, sir, and with other Committees of the Congress as well.

Senator SHELBY. Why would one or both of you be timely and candid with the Justice Department but not timely and candid or timely detail information to this very Committee, this Oversight Committee on Intelligence? Was that a slip, as you call it?

Mr. WATSON. Senator, I think the issue concerning the Justice Department to which you are referring, as far as I can tell, did not have any State Department involvement.

Senator SHELBY. Admiral, do you want to respond to that?

Admiral STUDEMAN. Yes, sir. I've already addressed this on several occasions to previous questions. Yes, sir, I think it was an inadvertent oversight unfortunately effected, and obviously we regret it.

Senator SHELBY. Do you have a list over there saying, gosh, this is a very sensitive matter, this is important, this is important to the Justice Department, it's important to the President that he know, the Secretary of State know? Why not the Chairman of the Intelligence Committee and the Ranking and others on this Committee, and the House likewise? Why couldn't they be informed, if you have a checklist?

Admiral STUDEMAN. They should have been informed. And we do have lists that describe the kinds of information and categories of data that we are to convey to this and the other Committee.

Senator SHELBY. I guess whoever is carrying out that list didn't come to work that day.

Admiral STUDEMAN. That's correct.

Senator SHELBY. Thank you, Mr. Chairman.

Chairman SPECTER. Thank you, Senator Shelby.

Senator Cohen.

Senator COHEN. Thank you, Mr. Chairman. I'll be very brief in view of the hour.

First, I'd like to indicate that while we are focusing principally on the DeVine case and the Bamaca case, there are also a number of allegations concerning Nick Blake and also Griffith Davis, both of whom were murdered back in 1985. And I have a long list of correspondence that I've had concerning the Blake case over the years I'd like to be made a part of the record. It's correspondence with the State Department, it's unclassified.

Chairman SPECTER. It will be made a part of the record.

[The documents referred to follow:]

M E M O R A N D U M

DATE April 6, 1995

TO: Chris Mellon
FROM: Jim Bodner
RE: Insert for Committee Hearing Record on Nick Blake

Attached are two sets of document that may be appropriate for insertion in the record of yesterday's hearing:

-- Five press reports from April 1985 to March 1995 that summarize the case and the efforts of the Blake family to learn the fate of Nick Blake and Griffith Davis.

-- Correspondence between Senator Cohen and the State Department and associated official documents, such as State Department cables and memoranda.

The second set of documents are arranged chronologically. Two documents in the latter set are not dated, but I have inserted them where they appear to fit in the chronology. If I have placed these two items in the wrong sequence, it should not affect a reader's understanding of the case.

One of the undated documents, which does not indicate its source, appears to be a cable from the US Embassy in Guatemala City; since it deals exclusively with an 18 April 1985 trip by embassy officials retracing by helicopter the assumed route of Blake and Davis, I assume it dates to April or May 1985. The other undated document, entitled "Congressional Briefing," is the sixth item in the set; we do not have a copy of the cable referred to in that document.

If you think this compilation is either excessive or deficient, let me know.

8TH STORY of Level 2 printed in FULL format.

Proprietary to the United Press International 1985

April 21, 1985, Sunday, AM cycle

SECTION: International

LENGTH: 299 words

HEADLINE: No clues on two missing Americans

DATELINE: GUATEMALA CITY

BODY:

Army searchers failed to find any clues to the whereabouts of two Americans who reportedly traveled to Guatemala's western highlands to do an artiche on leftist guerrillas, authorities said Sunday.

Nicholas Blake, 26, a freelance journalist from Biddeford Pool, Maine, and Griffith Davis, 38, a longtime resident of Guatemala, were reported missing last week when they did not return from a trip to the Cuchumatanes mountains in Huehuetenango province, authorities said.

Davis, who has lived in the popular tourist region of Lake Atitlan for 10 years, and Blake left on their trip March 25 and were due back April 4, a U.S. Embassy spokesman said.

Army patrols and air force aircraft have searched the area without coming up with any information on the men's whereabouts in the region 90 miles northwest of Guatemala City, the armed forces said.

The Guatemala City newspaper Prensa Libre reported that Blake had planned to interview leftist guerrillas operating in the area, which has served as a traditional base for insurgents fighting Guatemala's military governments.

Prensa Libre quoted David Lowe, who met Blake in the colonial city of Antigua, as saying that the journalist had planned to ''obtain unique information for a possible report about the guerrilla movement.''

''I met Nick in the city of Antigua a few weeks ago,'' Lowe told Prensa Libre. ''At that time he told me that for two years he had been planning the trip to the mountains to do a special report.

''I think he had food for five days and identification with him, including a letter of introduction from the United Nations for which he had done special work in the past,'' Lowe said.

''Although I don't know a whole lot about Nick ... I hope he turns up soon so we can drink some beers,'' Lowe said.

LANGUAGE: ENGLISH

2ND STORY of Level 2 printed in FULL format.

The Associated Press

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March 2, 1986, Sunday, BC cycle

ADVANCED-DATE: February 17, 1986, Monday, BC cycle

SECTION: Domestic News

LENGTH: 1600 words

BYLINE: From AP Newsfeatures, By DIANNE KEARNS, Associated Press Writer

DATELINE: BIDDEFORD POOL, Maine

BODY:

He was the privileged son of a Philadelphia banker, an ambitious free-lance journalist who liked to live on the edge of danger. Before Nick Blake disappeared in the jungles of Guatemala a year ago, he may have forecast his own fate.

Nick Blake, last seen following in the footsteps of a character he invented, is lost.

In Blake's unpublished novel, a young journalist treks into the jungles of Guatemala in search of the story that will "make" his career.

Like his own hero, Blake ventured into that dense mountain region, a 27-year-old free-lancer looking for the scoop that would justify three years of probing Central America. He never came out again.

No one knows if he found his story.

Blake and his traveling companion, Griffith Davis, have been missing a year this month. Searches by U.S. and Guatemalan teams turned up no clues and were abandoned last spring.

In November and December, Blake's two brothers Randy, 25, and Sam, 24 went to Guatemala in search of answers, but they uncovered nothing conclusive. During one visit, they joined the Mutual Support Group for the Appearance Alive of Our Relatives.

They now believe their brother is dead.

In the family's weathered summer home, here in this wealthy coastal community on the southwestern tip of Maine, are recollections of a young man whose idol was Ernest Hemingway and whose privileged upbringing spawned a desire to live on the edge. A poster bearing the Spanish translation of "Liberty or Death, Guatemala" hangs in an upstairs bathroom.

The 266-page manuscript of his unpublished novel offers some clues as to why the son of a Philadelphia banker would journey into a land of deprivation and

misery, where death is commonplace.

"David Seeker had come to Central America for a variety of reasons," Blake wrote in the opening pages of his novel. "Like so many other young journalists, he was there to make a reputation. Escape the glacial process of dues-paying journalism back in the States. And hopefully, break some good stories that would thrust him permanently into the orbit of world-class media.

"But it wasn't only ambition. He had been nurtured on revolutions, starting with television images in the '60s and later in his reading. It exhilarated him to see the people rising in mass catharsis. ... Here was the chance to write what he was supposed to write about, to be close to people who were hanging things out front. Seeker felt like his life had begun in Central America."

As the story progresses, Seeker joins two others and heads along an isolated mountain trail littered with the remnants of Guatemalan Indian villages destroyed in a civil war between the army and guerrilla forces. The gentle Indian peasants are victims caught in the middle, the reader is told.

Before Blake undertook what appears to have been his final odyssey in March 1985, he confided to friends a purpose that closely resembled what he defined as David Seeker's in his fiction.

"This was going to be one of his last trips down to Central America," said Lucien Yokana, who grew up near Nick in Princeton, N.J., and also spent summers in Biddeford Pool. "He had a sense of make or break, that in order to set up his reporting career back in the United States, he had to write a big story. I think for him, this was it."

From what Blake told him, Yokana thinks his friend's desire to put his career on a fast track somehow balanced the dangers.

There is little doubt that Blake knew the risks when he and Davis set off to make contact with the EGP, the Spanish acronym for Guerrilla Army of the Poor, one of four armed insurgent groups in Guatemala.

First, in a note left for a friend who was meeting him in Antigua, Blake wrote that he was off on a "suicide expedition" and would be in Nebaj for a reunion in a couple of days. Second, he had been in areas of Guatemala where rebel and army forces wrought destruction. That provided the backdrop for the novel, written in 1983.

"They had heard too many stories of soldiers dressing up as guerrillas so they could carry out their atrocities and have it blamed on the other side," Blake wrote. "Then there were the real guerrillas. No one knew what they were like. Perhaps they were so desperate by now that they wouldn't care about getting bad press would be downright happy to rob and kill three backpackers who had blundered into their midst.

"Then there was the third force, the patrulla (civil patrols). They were so scared that Seeker was almost sure they'd shoot first in a moment of uncertainty. Who would blame them?"

A later passage reveals a measure of trepidation over meeting up with the rebels, Blake's real-life goal.

"Guerrillas were supposed to treat (journalists) well, so they could get their story out. That was how it worked in Salvador anyway. But in Salvador, the guerrillas were winning. They could afford to be civilized. It was all different here. The army was running things. The EGP couldn't depend on any village anymore, it seemed."

But the differences between the neighboring countries of El Salvador and Guatemala don't compare with the gap between the cultures of strife-torn Central America and the America of Biddeford Pool.

In Guatemala, days of pestering officials for assistance and answers often end in frustration.

In Blake's world back home, connections got Vice President George Bush involved in the quest for Nick. Bush summers down the road from Biddeford Pool, occasionally plays golf at a private club opposite the Blakes' cottage, and his son-in-law was an acquaintance of Nick's.

Despite the vice president's involvement, the response of U.S. officials has not satisfied the Blake brothers. They no longer accept embassy reports quoting Guatemalan military figures who say their rother wandered into guerrilla territory and was killed by rebels.

The brothers have enlisted eight U.S. senators in their crusade to find out what happened to Blake and Griffith.

Among family and friends, anecdotes about Nick abound: his youth in Princeton, how he resented a family move to Philadelphia during adolescence, his return to his hometown to attend private school; his years at the University of Vermont, where he studied history and literature and was known as a restless sort who "wanted things on his own terms," and his first newspaper job at Foster's Daily Democrat in Dover, N.H., where he balked at covering fires and boards of selectmen.

In Central America, friends say, Nick seemed to be coming into his own. They noted Harper's magazine ran a Blake article the summer before. His pieces appeared in the Toronto Globe and Mail and were carried as well by a wire service based in Washington, D.C.

They say Blake was both attracted to and worried by the element of risk, and had spoken of a developing addiction to danger.

"He used to tell me he found it exciting to find himself in dangerous situations," recalls Peter Lindsay, whose association with Blake dates back to their sandbox days in Biddeford Pool. "He admired people like Hemingway and Jack Kerouac, who died of their excesses. He wouldn't have been in Central America if it wasn't exciting."

But for Blake, as with his fictional creation, ambition and thrill-seeking were not the only motivations. Idealism was another.

"In the past when we got together, he told me of scorched villages and how these forces were massacring these innocent, humble people. I know how much it hurt him to discover what he was uncovering," says Jimmy Adriance, who left his Peace Corps post in Costa Rica last year to join Nick in Guatemala during

Easter week.

The Easter reunion never took place. Adriance waited two days in Nebaj for Blake, then returned to Costa Rica figuring his strawberry blond pal was on to a hot story. Weeks later, Adriance learned Blake had disappeared.

Among those who knew Nick best were his brothers, Randy and Sam.

"The story of the Guatemalan Indians probably summed up his outrage at what was going on in Central America a seemingly placid Indian population getting killed by death squads," Randy says.

"For him, it was the greatest journalistic challenge of all because it caused him so much anguish. He saw Guatemala as the big story that wasn't being told. He used to say, 'A civil war is going on here.' He wanted to bring it to light, do something about it. The bottom line is, he'd been angling to do something like that for a long time."

To Sam, Nick represented "the great liberator, a kind of voice in the dark screaming against conventions."

"Guatemala really was his favorite country. So it would be really ironic if he died there," the youngest Blake brother said. "I always said to Nick, 'If you ever get in trouble, we'll be there. We've got the resources and we'll use them.' Nick didn't realize how much people really treasured him."

As the months drag on, those who treasured him have wished for the unlikely t hat Nick, known for a flair for the dramatic, would show up.

"It would be like Nick to all of a sudden come out and say, 'What do you mean, missing? That's ludicrous. I've been vacationing in Mexico,"' Yokana said.

But the happy ending Yokana envisions is not what Blake himself saw for the hero of his book.

In the closing passages, Seeker is killed by "short, ragged men, with bandannas tied over their faces, Jesse James-style."

He is shouting "Periodista!" (Spanish for journalist) and throws up his hands as bullets from an automatic rifle and several pistols tear into him and one of his companions.

"They were still shouting when the shots knocked them over into the mud."

LANGUAGE: ENGLISH

4TH STORY of Level 2 printed in FULL format.

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The New York Times

April 3, 1990, Tuesday, Late Edition - Final

SECTION: Section A; Page 3, Column 1; Foreign Desk

LENGTH: 670 words

HEADLINE: U.S. Kin Press Case of 2 Killed in Guatemala in '85

BYLINE: By CLIFFORD KRAUSS, Special to The New York Times

DATELINE: WASHINGTON, April 2

BODY:

Five years ago last Friday, a freelance journalist and a companion hiked through the Guatemalan highlands on their way into territory frequented by the Guerrilla Army of the Poor. They were never heard from again.

Tens of thousands of people were slain in Guatemala in the 1980's without the world taking much notice. But this was a different case because the two victims were from the United States and because the 27-year-old journalist, Nicholas Blake, was a member of a prosperous Philadelphia family with connections in Washington.

Members of the Blake family worked to keep the case alive. They lobbied eight senators to write letters to the State Department to keep pressure on Guatemala to investigate the case.

Appealing through George Bush's daughter Dorothy, whom they knew from spending summers in Maine, the Blakes even moved the Vice President to intervene on their behalf in 1985. Mr. Bush telephoned Gen. Oscar Humberto Mejia Victores, who was then the Guatemalan chief of state, to ask him to get to the bottom of the case. As President, Mr. Bush instructed his Ambassador to Guatemala, Thomas F. Stroock, to continue asking the Guatemalan authorities to investigate.

''The Guatemalans understand our keen interest in the case,'' said Philip B. Taylor, deputy chief of mission at the American Embassy in Guatemala.

New Turn in Investigation

After years of pressure, the investigation took a new turn last week with interviews of two suspects. But members of the family, who have made 20 trips to Guatemala since Mr. Blake's ill-fated trip, said that despite official United States interest, the Guatemalan Army refuses to cooperate in any substantive way.

''Guatemala has 50,000-plus disappeared people, and the Guatemalan military doesn't want to solve any of those cases,'' said Randy Blake, 29, one of Nicholas's two brothers and a Washington real estate lobbyist. ''And along comes an American family trying to solve a case of a disappearance in an area under their control, and I think they are very, very afraid of the information on Nick getting out.''

Gen. Hector Alejandro Gramajo Morales, Guatemala's Defense Minister, denied the accusation. ''We are doing all we can,'' he said by telephone.

One lead after another has proved false. For a time, the Blake family suspected that the guerrillas had killed their son. Then they thought the Guatemalan Army was responsible.

Friends said Nicholas Blake wanted to write about the Guatemalan guerrillas because he was revolted by the suffering of the poor and because he wanted to make a name for himself in journalism. The rebel group had long shunned publicity.

Having completed a novel a few months before about a young American journalist who was killed while traveling with the Guatemalan guerrillas, he set out into the highlands with Griffin Davis, a 38-year-old American merchant of Mayan handicrafts and amateur photographer.

Bodies Never Found

The two were last seen on March 30, 1985, in El Llano, a hamlet on the edge of a guerrilla zone. Their bodies were never found.

The case appeared hopeless until late 1987, when a Guatemalan teacher familiar with El Llano came to the United States Embassy and said villagers had told him that five civil patrolmen had accompanied the two men out of the village and shot them.

For two years, American officials requested that the Guatemalan Army locate the patrolmen for interrogation. The Guatemalan officers produced two of the patrolmen on Tuesday for interrogation by three United States officials, including an agent for the Federal Bureau of Investigation. The two patrolmen denied the allegations.

An American diplomat said the embassy would press to have the other patrolmen interviewed.

The Blakes said they would continue seeking justice. ''We have the patience to hang in there as long as it takes to get results,'' Randy Blake said. ''If the United States and Guatemalan Governments haven't gotten the message yet, they will, because we aren't going away.''

LANGUAGE: ENGLISH

2ND STORY of Level 1 printed in FULL format.

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The Boston Globe

November 26, 1993, Friday, City Edition

SECTION: METRO/REGION; Pg. 48

LENGTH: 921 words

HEADLINE: Family charges cover-up in murder of journalist;
Says Guatemalan military killed brother

BYLINE: By Philip Bennett, Globe Staff

DATELINE: CAMBRIDGE

BODY:
The case study that Sam Blake is directing at Harvard's Kennedy School of Government this fall examines the role of a powerful Central American military official, Gen. Hector Gramajo of Guatemala, in his country's return toward democracy.

Blake knows Gramajo well. Years ago, he posed the most important question he will ever ask the general, when he sought Gramajo's aid to learn who killed his brother in the Guatemalan highlands.

Last month, the Blake family filed a lawsuit charging that the Guatemalan military was responsible for the murder in 1985 of Nicholas Blake, a 27-year-old journalist. The suit accuses the Guatemalan government of a cover-up that concealed Nicholas Blake's remains for seven years, and conceals his killers today.

Sam Blake, who does not blame Gramajo for the murder, said he separates his scholarly work from his brother's case. The distinction seems less clear in his Kennedy School office, with its huge map of Guatemala, piles of books on low-intensity conflict, and the photograph of his brother's profile, intelligent and wistful, set against the Mayan ruins at Tikal.

"I'll always be tied to Guatemala," Sam Blake said. "Emotionally, ask anyone who's had a family member murdered. I'll live with that all my life."

Mystery surrounding Nick Blake's disappearance has led Sam Blake, his brother Randy, and their parents on an odyssey that they hope will end with the outcome of the suit, which was filed before the Inter-American Commission on Human Rights in Washington.

The Blakes are seeking acknowledgement from Guatemala that one of its military-controlled civil patrols carried out the murder of Blake and a traveling companion, a fellow US citizen named Griffith Davis. They also want the arrest and prosecution of those responsible for the crime, and financial compensation.

Nicholas Blake and Davis were last seen alive on the morning of March 29, 1985, near the community of El Llano, in northwestern Guatemala. Blake was planning to write a story about a rebel army, the Guerrilla Army of the Poor,

The Boston Globe, November 26, 1993

that was active in the mountainous and rugged province of Huehuetenango.

At the time, Blake already had spent years as a member of a loose confederation of young, dedicated, mostly brave and often incautious freelance journalists who went to Central America in the early 1980s. While working in El Salvador and Nicaragua, he was drawn particularly to Guatemala, his brother said, where the army massacred tens of thousands of civilians in a conflict that was all but ignored by the media.

Two weeks after Blake and Davis failed to return from their search for the rebels, the State Department telephoned Mary Blake to report that her son was missing. During the next seven years, the family members made more than 20 trips to Guatemala to press officials and anyone else for information on the case.

In their investigation, the Blakes drew on resources unimaginable to most Guatemalans on similar quests for loved ones. Through a family friendship, they contacted George Bush, then vice president, who called Guatemala on their behalf. The Blakes chartered helicopters, offered a cash reward, and were received by President Vinicio Cerezo and Gramajo, then the army chief of staff.

They got nowhere. Guatemalan military officials first told Mary Blake that her son was a "subversive." Officials at the US Embassy, Sam Blake said, suggested that perhaps Nicholas had been killed by rebels. Perhaps he was alive, traveling with rebels in rugged jungle on the Mexican border.

"This was a crime that in a way bothered me most: how the Guatemalan government and US Embassy twisted my mother's mind, a mother's belief that her son might be alive," Sam Blake said.

In 1988, a schoolteacher told Sam and Randy Blake that their brother and Davis had been shot dead by civil patrol members on the morning they left El Llano. The teacher said they were killed for their possessions and because they were considered guerrilla sympathizers.

Four years later, in June 1992, the Blake brothers recovered Nicholas' charred remains after paying a regional paramilitary commander. In return for a promise that they would not prosecute the killers - a promise they say is invalid because it was the result of blackmail for Nicholas' body - they obtained a signed note acknowledging that the civil patrol committed the murders.

Sam Blake said that he was later told by a high-ranking military official that the army knew of the murders almost immediately after they occurred. In 1987, the suit alleges, the army ordered the men's remains moved and incinerated.

For years the family had worked to discover what had happened.

"But after we got the remains back and solved the main question, Sam and I focused on the blatant facts that Nick was definitely murdered and his murder had been definitely covered up," said Randy Blake, an economist at the US Department of the Treasury. "Nick wanted that country to achieve a sense of judicial process. That was very strong for Sam and me."

In 1990, four years after he first met him in the army chief of staff's office, Sam Blake saw Gramajo on the the Harvard campus. Retired and mulling a run for the presidency, Gramajo had accepted a fellowship from the Kennedy School.

"When I met him here he was wearing jeans, a flannel shirt, carrying a backpack," Blake said. "He's actually an amiable guy."

If their suit is successful, the Blake family plans to establish a grant for freelance journalists in Nicholas Blake's name.

GRAPHIC: PHOTO, GLOBE FILE PHOTO/ / Nicholas Blake, who was a free-lance journalist, disappeared in Guatemala in 1985.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: November 29, 1993

1ST STORY of Level 1 printed in FULL format.

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The New York Times

March 30, 1995, Thursday, Late Edition - Final

SECTION: Section A; Page 23; Column 2; Editorial Desk

LENGTH: 487 words

HEADLINE: What Else Did The C.I.A. Know?

BYLINE: By Samuel Blake; Samuel Blake is a consultant to the Pentagon on national security affairs.

BODY:

The disclosure that the C.I.A employed a Guatemalan Army colonel involved in the torture and murder of Michael DeVine, an American who ran an inn in the jungle, and an insurgent married to Jennifer Harbury, an American lawyer, comes as no surprise to my family.

Exactly 10 years ago, Guatemalan paramilitary forces escorted my brother Nick Blake, a freelance journalist, and a photographer, Griffin Davis, out of the village of El Llano in the highlands and shot them dead with high-powered rifles. Both men had gone into the mountains to try to interview left-wing guerrillas who had been waging a civil war in Guatemala for more than three decades.

The paramilitary forces hid the bodies for a year until public pressure forced the army to burn and rebury the remains in hopes that the truth would never be known.

From 1985 to 1992, the highest levels of Guatemala's Government lied to my family about what had happened to Nick and Griff, blaming guerrillas for their disappearance.

In June 1992, after information implicating the army in the deaths came to our attention, my brother and I went to the highlands where their remains lay, 90 miles northwest of Guatemala City. We excavated the remains, and Dr. Douglas Owsley, a forensic anthropologist at the Smithsonian Institution, identified them.

In December 1992, the U.S. Ambassador, Marilyn McAfee, took me to see President Ramiro de Leon Carpio. He admitted that the security forces had killed Nick and Griff and that the army high command had covered up the murders. He promised to seek justice for our families.

To this day, the promises remain empty. The Government won't admit officially who ordered Nick's and Griff's executions, why they were killed, why their deaths were covered up and by whom, and it refuses to discipline or prosecute those involved in the murders and cover-up.

For the most part, for 10 years Washington has parroted the nonsense spouted by the Guatemalans that guerrillas or "brigands" killed Nick and Griff. As we pressed our own investigation, it became clear that elements of our Government, mainly C.I.A. and State Department officials, were running interference for

their friends in the Guatemalan Army.

We always suspected that our Government knew a great deal about the army's role in the murders. With the disclosures about Mr. DeVine and Ms. Harbury's husband, Efrain Bamaca Velasquez (a guerrilla supposedly protected by the Geneva Convention on the treatment of prisoners), our worst fears have been confirmed -- that our intelligence and national security agencies are withholding information that could shed light on the slayings.

Our families would like the Congressional intelligence committees to hold public hearings and subpoena officials and documents from the C.I.A. and the State and Defense Departments that might help in the quest for truth and justice in our case and the other cases.

GRAPHIC: Drawing

LANGUAGE: ENGLISH

LOAD-DATE-MDC: March 30, 1995

2. TWO EMBOFFS TRAVELED BY HELICOPTER ON APRIL 18, 1985, TO THE DEPARTMENTS OF HUEHUETENANGO AND EL QUICHE IN AN INVESTIGATION OF THE WELFARE AND WHEREABOUTS OF TWO MISSING AMCITS, NICHOLAS BLAKE AND GRIFFITH WILLIAM DAVIS. ACCOMPANYING THE EMBOFFS WERE THE CONSULAR SECTION FSN INVESTIGATOR -- A VETERAN OF GOG'S NATIONAL POLICE-- AND A MEMBER OF THE EMBASSY'S SECURITY FORCE, A NATIVE OF EL QUICHE, WHO SPEAKS ONE OF THE REGION'S MAJOR INDIAN DIALECTS.

3. THROUGH FRIENDS AND FAMILY OF BLAKE AND DAVIS, THE EMBASSY LEARNED THAT THE TWO AMERICANS PLANNED TO HIKE FROM THE TOWN OF SAN JUAN IXCOY, IN CENTRAL HUEHUETENANGO, TO THE TOWN OF NEBAJ, IN WESTERN EL QUICHE.

4. ALTHOUGH THE DISTANCE BETWEEN THE TWO TOWNS IS ONLY APPROXIMATELY 40 KILOMETERS, THE AREA IS RUGGED, HIGH SIERRA, WITH FEW ROADS AND AN ACTIVE GUERRILLA INSURGENCY. *THE ROUTE THAT BLAKE AND DAVIS PLANNED TO HIKE IS* ALONG THE NORTHERN FACE OF LOS CUCHUMATANES, THE HIGHEST MOUNTAIN RANGE IN CENTRAL AMERICA. THE ELEVATIONS ALONG THE ROUTE VARY FROM ABOUT 6000 TO 9000 FEET ABOVE SEA LEVEL. THE AREA IS CHARACTERIZED BY STEEP MOUNTAINS, DEEP RIVER RAVINES, PRIMITIVE HIKING TRAILS, AND THICK PINE FOREST. THE ENTIRE AREA IS INCLUDED IN THE EMBASSY'S TRAVEL

ADVISORY, WHICH IDENTIFIES PLACES WHICH ARE NOT CONSIDERED SAFE FOR TOURIST TRAVEL BECAUSE OF FREQUENT CLASHES BETWEEN THE GUERRILLAS AND GOG SECURITY FORCES.

5. AT 0908 HOURS, EMBOFFS FLEW INTO SAN JUAN IXCOY. IN THE TOWN THEY ENCOUNTERED THREE FRIENDS OF BLAKE AND DAVIS -- AMCIT LORI LEGATOR (WHO ORIGINALLY REPORTED THE DISAPPEARANCE OF DAVIS AND BLAKE ON APRIL 8), CANADIAN CITIZEN MAGDALENA VERGARA, AND GERMAN CITIZEN MECHTHILD LINDKEN (WHO DESCRIBES HERSELF AS DAVIS' COMMON-LAW WIFE). THEY SAID THEY HAD ARRIVED THE NIGHT BEFORE, AND HAD ALREADY DISTRIBUTED PHOTOGRAPHS OF THE MISSING AMERICANS TO TOWN OFFICIALS AND RESIDENTS. MS. LINDKEN SAID SHE CHECKED RECORDS AT TRANSPORTACIONES CIFUENTES, A BUS COMPANY IN THE CITY OF HUEHUETENANGO, WHICH SHOWED THAT BLAKE AND DAVIS HAD LEFT THE DEPARTMENTAL CAPITAL MARCH 26 ON THE 10:00 A.M. BUS TO SAN JUAN IXCOY.

6. ACCORDING TO MS. LINDKEN, BLAKE AND DAVIS HAD ARRIVED IN SAN JUAN IXCOY AT 12:30 P.M. MS. LINDKEN STATED THAT SEVERAL TOWNSPEOPLE NOTICED A LARGE FOREIGNER RIDING ON THE TOP OF THE BUS, A PRACTICE SHE SAID MR. BLAKE ENJOYED.

7. EMBOFF INTERVIEWED THE MAYOR OF SAN JUAN IXCOY, ANDREAS VELAZQUEZ, WHO IS ALSO THE LEADER OF THE TOWN'S CIVIL DEFENSE FORCE. VELASQUEZ CONFIRMED THAT BLAKE AND DAVIS HAD ARRIVED ON THE BUS FROM HUEHUETENANGO, AND HAD LEFT THE SAME DAY, TAKING THE EASTERN TRAIL TO JOLOMHUITZ AND SAN FRANCISCO LAS FLORES. THE FRIENDS OF BLAKE AND DAVIS SAID THAT THEY FELT CONFIDENT THAT THE TWO AMERICANS HAD LEFT SAN JUAN IXCOY IN THE DIRECTION OF SAN FRANCISCO LAS FLORES.

8. IN SAN JUAN IXCOY, EMBOFFS ALSO ENCOUNTERED TWO GOG ARMY SPECIALISTS FROM THE ARMY BASE IN HUEHUETENANGO, ALBERTO CORTEZ RUIZ AND ANGEL GARCIA, WHO HAD BEEN SENT TO THE TOWN THE DAY BEFORE BY THE

GUATEMALAN ARMY TO INVESTIGATE THE WHEREABOUTS OF BLAKE AND DAVIS. THE MAYOR SAID THAT THE MAYORS OF 31 NEIGHBORING VILLAGES WERE COMING TO SAN JUAN IXCOY APRIL 18, AND WOULD BE ASKED IF THEY HAD ANY KNOWLEDGE OF THE WHEREABOUTS OF THE TWO AMERICANS.

9. SINCE JOLOMHUITZ IS ONLY A LITTLE MORE THAN ONE HOUR BY FOOT FROM SAN JUAN IXCOY, EMBOFFS DECIDED TO FLY DIRECTLY TO SAN FRANCISCO LAS FLORES. IN SAN FRANCISCO LAS FLORES THEY SPOKE TO ARMANDO FIGUEROA, WHO WAS ON DUTY WITH THE LOCAL CIVIL DEFENSE PATROL MARCH 26, AND WITH MIGUEL CARTAGENA, THE TEACHER AT THE VILLAGE SCHOOL. FIGUEROA AND CARTAGENA SAID THAT TWO AMERICANS ARRIVED AT ABOUT 4 P.M. MARCH 26 AND SPENT THE NIGHT IN THE SCHOOLHOUSE. THE PHYSICAL DESCRIPTIONS GIVEN BY VILLAGERS CLOSELY MATCHED THOSE OF BLAKE AND DAVIS, AND THEY RECOGNIZED THE PHOTOGRAPHS OF THE TWO AMERICANS PROVIDED BY EMBOFFS. CARTAGENA SAID THE TWO AMERICANS IDENTIFIED THEMSELVES AS A REPORTER AND A PHOTOGRAPHER, AND SAID THEY WERE HEADED TO THE MAYAN RUINS OF MIXLAJ, A VILLAGE FARTHER EAST.

10. CARTAGENA SAID HE TOLD THE AMERICANS THAT THE AREA WAS DANGEROUS AND THE TRAIL RUGGED. HE SAID THE TWO AMERICANS REPLIED THAT THEY WERE AWARE OF THE DANGER AND THAT THEY HAD MAPS.

11. FIGUEROA AND CARTAGENA SAID THE TWO AMERICANS DEPARTED SAN FRANCISCO LAS FLORES ABOUT 7 A.M. ON MARCH 27.

12. EMBOFFS THEN FLEW TO MIXLAJ, PASSING THROUGH AN AREA OF HEAVILY WOODED MOUNTAINS BROKEN BY SHEER DROPS INTO RIVER RAVINES. IN MIXLAJ, EMBOFFS TALKED TO EULALIO HERRERA MERIDA, ASSISTANT MAYOR, AND SEVERAL MEMBERS OF THE CIVIL DEFENSE PATROL. HERRERA SAID HE FIRST NOTICED TWO AMERICANS AT ABOUT 10:30 A.M. ON MARCH 27, BATHING IN THE RIVER THAT PASSES THROUGH THE VILLAGE. HE SAID ONE OF THE AMERICANS WAS TALL WITH A HEAVY BEARD, AND THAT THE OTHER WAS EVEN TALLER AND HAD NO BEARD. THESE DESCRIPTIONS WERE PROVIDED BEFORE EMBOFFS SHOWED HIM PHOTOGRAPHS OF BLAKE AND DAVIS, AND ARE GOOD THUMBNAIL SKETCHES OF THE TWO. HERRERA THEN IDENTIFIED THE PHOTOGRAPHS.

13. HERRERA AND OTHER VILLAGERS SAID THE TWO AMERICANS SPENT THE DAY IN MIXLAJ, AND SLEPT THE NIGHT IN THE LOCAL SCHOOLHOUSE. HE SAID THAT BLAKE AND DAVIS NEVER VISITED THE RUINS AT MIXLAJ.

14. HERRERA SAID THAT THE TWO AMERICANS TOLD HIM THAT THEY WANTED TO GO TO SUMAL, A MOUNTAINTOP VILLAGE, EAST-SOUTHEAST OF MIXLAJ IN THE DEPARTMENT OF EL QUICHE. (COMMENT: BRITISH JOURNALIST MICHAEL SHAWCROSS SAID IN A TELEPHONE CONVERSATION ON APRIL 17 WITH EMBOFFS THAT BLAKE AND DAVIS ALSO HAD TOLD HIM THAT THEY WERE INTERESTED IN GOING TO SUMAL. END

COMMENT) HERRERA SAID HE TOLD THEM NOT TO GO THERE BECAUSE THE AREA WAS DANGEROUS. WHILE EMBOFFS WERE IN SAN JUAN IXCOY, THEY WERE TOLD BY GOG ARMY SPECIALISTS NOT TO TRAVEL TO SUMAL BECAUSE IT WAS A GUERRILLA STRONGHOLD AND THAT THEIR HELICOPTER WOULD PROBABLY BE SHOT DOWN.

15. ACCORDING TO HERRERA, THE TWO AMERICANS LEFT MIXLAJ THE MORNING OF MARCH 28, TRAVELING TOWARD LAS MAJADAS, A MILITARY BASE OVERLOOKING A GROUP OF HIGH SIERRAN VILLAGES. THE COUNTRYSIDE AROUND LAS MAJADAS IS LIGHTLY FORESTED, WITH FLAT LAND AND RIVER VALLEYS BROKEN BY ROCK OUTCROPPINGS.

16. AT THE MILITARY BASE IN LAS MAJADAS, EMBOFFS TALKED TO LIEUTENANT ALEJANDRO ELEL. HE SAID THAT ON MARCH 29 THE CIVIL DEFENSE FORCE OF LLANO, A VILLAGE WHICH REPORTS TO THE ARMY AT LAS MAJADAS, CAME TO TELL HIM THAT TWO AMERICAN JOURNALISTS WERE REQUESTING PERMISSION TO GO TO SUMAL.

17. THE LIEUTENANT SAID THAT THE AMERICANS PRESENTED A TRAVEL PASS FROM THE ARMY BASE IN HUEHUETENANGO, GIVING THEM PERMISSION TO BE IN THE AREA. LIEUTENANT ELEL SAID HE WAS NOT SURE OF THE DATE OF THE TRAVEL PASS, BUT HE BELIEVED IT WAS JANUARY. (COMMENT:

MICHAEL SHAWCROSS HAD TOLD EMBOFF DURING AN APRIL 9 MEETING IN THE EMBASSY THAT MR. BLAKE HAD PREVIOUSLY REQUESTED AND RECEIVED PERMISSION FROM THE ARMY TO TRAVEL IN HUEHUETENANGO EARLIER THIS YEAR, BUT THAT HE HAD NOT REQUESTED PERMISSION THIS TIME BECAUSE HE WAS AFRAID THAT IT WOULD BE DENIED. END COMMENT.)

18. ACCORDING TO THE LIEUTENANT, THE TWO AMERICANS SPENT THE NIGHT OF MARCH 29 IN LLANO, AND LEFT THE NEXT MORNING SAYING THAT THEY WERE GOING TO TRAVEL TO SALQUIL, A TOWN TO THE NORTHWEST OF LAS MAJADAS. THE LIEUTENANT SAID THAT HE HAD GIVEN THEM PERMISSION TO GO THERE. SALQUIL IS A MODEL VILLAGE SET ON A MOUNTAIN TOP, DEFENDED BY A WELL-DUG IN ARMY DETACHMENT.

19. WHEN EMBOFFS ARRIVED IN SALQUIL, THEY WERE TOLD BY LIEUTENANT ARTURO VELASQUEZ THAT HE THOUGHT THE HELICOPTER WAS BRINGING ARMY REINFORCEMENTS FOR A BATTLE THEN IN PROGRESS ABOUT FIVE MILES FROM THE VILLAGE. SOLDIERS WERE DEPLOYED AROUND THE HELICOPTER TO PROTECT IT FROM POSSIBLE GUERRILLA ATTACK.

20. LIEUTENANT VELASQUEZ SAID NO AMERICANS HAD ARRIVED IN SALQUIL ON MARCH 29 OR 30, OR ANY DAY AFTER. HE SAID THAT IF ANY AMERICANS HAD ARRIVED, HE DEFINITELY WOULD HAVE BEEN INFORMED. THE HEAD OF THE CIVIL DEFENSE FORCE OF THE VILLAGE CONFIRMED THAT NO AMERICANS HAD COME THERE ON OR ABOUT MARCH 29 OR 30. THE LIEUTENANT SAID THAT THERE WAS FREQUENT COMBAT IN THE AREA AND THAT A BATTLE HAD BEEN FOUGHT CLOSE TO SALQUIL ABOUT 15 DAYS EARLIER, I.E. ON OR ABOUT APRIL 3.

21. THE LIEUTENANT SAID THAT SUMAL WAS A GUERRILLA STRONGHOLD, CONSISTING OF A SERIES OF TUNNELS DUG INTO A MOUNTAINSIDE. HE SAID THAT SUMAL AND THE VILLAGES SURROUNDING IT HAD BEEN ABANDONED, AND THAT ONLY GUERRILLAS OF THE EGP (THE GUERRILLA ARMY OF THE POOR) WERE THERE. FURTHERMORE, HE SAID THE ARMY ONLY GOES INTO THE AREA IN ORDER TO FIGHT THE GUERRILLAS. HE SAID THAT THE ARMY WAS NOT IN CONTROL OF THAT AREA AND ANY ARMY PATROL ENTERING THAT AREA EXPECTED TO BE IN A COMBAT SITUATION. THE LIEUTENANT TOLD EMBOFFS THAT IF THEY WENT TO SUMAL THEY SHOULD EXPECT THEIR HELICOPTER TO BE SHOT DOWN.

22. THE LIEUTENANT SAID THE TRAIL BETWEEN LLANO AND SUMAL IS PATROLLED BY THE GUERRILLAS, AND THAT IF ANY OUTSIDERS HAD ENTERED THE AREA, THEY WOULD DEFINITELY HAVE ENCOUNTERED MEMBERS OF THE EGP.

23. FROM SALQUIL, EMBOFFS FLEW TO THE TOWN OF NEBAJ, IN ORDER TO REFUEL BEFORE BACKTRACKING TO LLANO. IN NEBAJ, TWO ARMY CAPTAINS SAID THAT NEITHER MR. BLAKE NOR MR. DAVIS HAD VISITED THE TOWN. THEY WERE ABLE TO CONFIRM THIS BECAUSE THE ARMY CHECKS THE RECORDS

OF ALL HOTELS IN NEBAJ AND THEY WOULD HAVE BEEN INFORMED IF TWO AMERICANS HAD ARRIVED. THEY SAID THAT FRIENDS OF BLAKE AND DAVIS HAD VISITED THE TOWN TO DISTRIBUTE PHOTOGRAPHS OF THE TWO, AND TO ASK TOWNSPEOPLE ABOUT THEIR WHEREABOUTS. INTERVIEWS WITH SEVERAL PEOPLE IN NEBAJ, INCLUDING AN AMERICAN TOURIST, CONFIRMED THAT THE TOWN WAS WELL AWARE OF THE SEARCH FOR BLAKE AND DAVIS. (COMMENT: MILGROUP COMMANDER COL. MCLAUGHLIN, IN NEBAJ ON SEPARATE BUSINESS, ALSO REQUESTED LOCAL GOG MILITARY TO DISTRIBUTE PHOTOS OF DAVIS AND BLAKE. END COMMENT.)

24. THE ARMY CAPTAINS SAID THAT EGP WAS FRAGMENTED, AND LACKED A CENTRAL COMMAND. THE REACTION OF GUERRILLAS TO THE ARRIVAL OF OUTSIDERS WOULD BE UNPREDICTABLE, AND THAT THEY MIGHT NOT RECOGNIZE THE POLITICAL VALUE IN SHELTERING JOURNALISTS. THEY ALSO SAID THAT LIFE WAS CHEAP IN THAT AREA, AND THAT IF OUTSIDERS ARRIVED WITH MONEY, THE GUERRILLAS MIGHT WELL ROB AND KILL THEM.

25. FROM NEBAJ, EMBOFFS WENT TO QUILEN NOVILLO, A VILLAGE BETWEEN LLANO AND SALQUIL. MEMBERS OF THE CIVIL DEFENSE FORCE AND THE LOCAL TEACHER SAID THAT NO AMERICANS HAD COME TO THEIR VILLAGE ON OR ABOUT MARCH 29 OR 30, AND THAT THE OTHER VILLAGES BETWEEN SALQUIL AND LLANO HAD BEEN ABANDONED.

26. EMBOFFS THEN WENT TO LLANO. THE SECOND COMMANDER OF THE VILLAGE CIVIL DEFENSE PATROL, VICENTE CIFUENTES, SAID THAT BLAKE AND DAVIS HAD SPENT THE NIGHT OF MARCH 28 IN LLANO, AND LEFT THE MORNING OF MARCH 29 SAYING THE WERE HEADING TO SALQUIL. THE DATE OF THEIR DEPARTURE FROM LLANO DIFFERS FROM THAT OF LIEUTENANT ELEL OF LAS MAJADAS, WHO DID NOT MEET THE TWO AMERICANS.

27. BECAUSE OF ENVELOPING DEEP CLOUD COVER, EMBOFFS WERE TOLD BY THE HELICOPTER PILOT THAT THEY MUST LEAVE LLANO IMMEDIATELY, OR SPEND THE NIGHT IN THE VILLAGE. AT 1500 HOURS, EMBOFFS FLEW OUT OF LLANO AT TREETOP LEVEL, AND RETURNED TO GUATEMALA CITY.

UNCLASSIFIED

Department of State

INCOMING TELEGRAM

PAGE 01 GUATEM 05468 00 OF 02 051656Z 6535
ACTION HERE-00

INFO LOG-00 COPY-01 AOS-00 H-01 ARA-00 OCS-06 /002 W
----------315414 051659Z /50 38

R 051512Z JUN 81
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 6787
INFO AMEMBASSY MEXICO

UNCLAS GUATEMALA 05468

H PASS

DEPT ALSO FOR ARA/CEN AND CA/OCS/EMR

E.O. 12356: N/A
TAGS: CASC, CT (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE

REF: CA/OCS/EMR DOC. NO. 8-653707 (NOTAL)

TO: THE HONORABLE JOHN HEINZ
UNITED STATES SENATE
PHILADELPHIA REGIONAL OFFICE
9456 FEDERAL BUILDING
PHILADELPHIA, PA 19106
ATTENTION: SKIP IRVINE

1. THE DEPARTMENT OF STATE HAS REQUESTED THIS EMBASSY TO RESPOND TO YOUR MAY 6 LETTER TO THE DEPARTMENT REGARDING THE DISAPPEARANCE OF MR. NICHOLAS BLAKE, THE SON OF YOUR CONSTITUENT, MRS. MARY BLAKE. NICHOLAS BLAKE, ACCOMPANIED BY AMERICAN CITIZEN GRIFFITH DAVIS, DEPARTED THE CITY OF HUEHUETENANGO ON MARCH 26. NEITHER MAN HAS BEEN IN CONTACT WITH FAMILY OR FRIENDS SINCE THAT TIME.

2. FRIENDS OF MR. BLAKE AND MR. DAVIS FIRST ADVISED THE EMBASSY ON APRIL 8 THAT THEY WERE OVERDUE AND REQUESTED THE EMBASSY'S ASSISTANCE IN TRYING TO LOCATE THEM. THROUGH THE OFFICE OF THE DEFENSE ATTACHE, THE EMBASSY REQUESTED THE GUATEMALAN ARMY TO BE ON THE LOOKOUT FOR BOTH MEN, AND TO ADVISE US IF THEY WERE ENCOUNTERED.

3. ALTHOUGH THE GUATEMALAN ARMY DID SEND OUT PATROLS BEGINNING ON APRIL 9, THEY WERE UNABLE TO LOCATE THE MEN. A SUBSEQUENT GUATEMALAN ARMY SEARCH WHICH BEGAN ON APRIL 24, INVOLVING MORE THAN 450 TROOPS AND LASTING MORE THAN A WEEK, ALSO FAILED TO UNCOVER ANY TRACE OF THE TWO MEN.

4. ON APRIL 18, TWO EMBASSY OFFICERS TRAVELED BY HELICOPTER TO THE AREA WHERE BLAKE AND DAVIS HAD INTENDED TO HIKE. ALTHOUGH THEY WERE ABLE TO TRACE THEIR MOVEMENTS UP TO MARCH 29 OR 30 TO THE SMALL VILLAGE OF LLANO, FROM THAT POINT, THEIR TRAIL VANISHED. THE EMBASSY OFFICERS WERE ABLE TO DETERMINE, HOWEVER, THAT BLAKE AND DAVIS EXPRESSED INTEREST IN WALKING TO THE NEARBY TOWN OF SUMAL, A KNOWN GUERRILLA STRONGHOLD, DESPITE THE ADVICE OF LOCAL TOWNSPEOPLE IN LLANO AND THE GUATEMALAN ARMY.

5. ON APRIL 25, ANOTHER EMBASSY OFFICER FLEW OVER THE TOWN OF SUMAL AND DROPPED 4,500 LEAFLETS REQUESTING ANY PERSON HAVING INFORMATION REGARDING BLAKE OR DAVIS TO ADVISE THE AMERICAN CONSUL IN GUATEMALA CITY. THE NOTICES, PRINTED IN BOTH SPANISH AND THE LOCAL INDIAN DIALECT, PROVIDED A TELEPHONE NUMBER WHICH IS MANNED TWENTY-FOUR HOURS A DAY

6. ON APRIL 24, MRS. BLAKE ARRIVED IN GUATEMALA TO PERSONALLY REVIEW THE ACTIONS TAKEN TO LOCATE NICHOLAS BLAKE. SHE WAS ACCOMPANIED BY HER SON, RANDY BLAKE, FAMILY FRIEND LUCIEN YOKANA, AND EDUARD GOFF, AN ATTORNEY EMPLOYED BY WHEATON INDUSTRIES. MRS. BLAKE'S PARTY MET WITH AMBASSADOR PIEDRA ON APRIL 25 AND WAS THOROUGHLY BRIEFED BY MISSION OFFICERS, INCLUDING THE DEFENSE ATTACHE, THE SAME DAY. ON APRIL 27, THE BLAKE PARTY, ACCOMPANIED BY THE DEFENSE ATTACHE, VISITED THE ACTING COMMANDER OF THE 20TH MILITARY ZONE, THE AREA WHERE THE MISSING MEN WERE LAST SEEN. MRS. BLAKE DEPARTED GUATEMALA ON APRIL 28.

7. THE ORIGINAL SEARCH AREA HAS BEEN EXPANDED TO INCLUDE BELIZE AND SOUTHERN MEXICO ON THE CHANCE THAT THE MISSING MEN MIGHT SURFACE OUTSIDE OF GUATEMALA. IN THE INTERIM, MR. GOFF HAS MADE A SECOND VISIT TO REVIEW THE SITUATION HERE. THE BLAKE FAMILY AND FRIENDS OF MR. DAVIS HAVE EMPLOYED A PRIVATE INVESTIGATOR HERE TO AUGMENT THE EFFORTS OF THE EMBASSY AND THE GOVERNMENT OF GUATEMALA.

8. YOU SHOULD BE AWARE THAT THE AREA IN WHICH MR. BLAKE WAS KNOWN TO BE TRAVELING IS THE SCENE OF FREQUENT CLASHES BETWEEN GUERRILLA INSURGENTS AND GUATEMALAN SECURITY FORCES. THE DEPARTMENT OF STATE, AWARE OF THE RISK SUCH VIOLENT ENCOUNTERS COULD POSE TO AMERICAN CITIZENS, HAS MAINTAINED IN EFFECT SINCE AUGUST, 1981 A TRAVEL ADVISORY CAUTIONING AMERICAN CITIZENS NOT TO TRAVEL IN THAT AREA. RESIDENTS OF THE AREA STATED TO THE EMBASSY OFFICERS THAT THEY ALSO CAUTIONED MR. BLAKE REGARDING THE PRESENCE OF ARMED GUERRILLA INSURGENTS IN THE TOWN OF SUMAL.

9. ALTHOUGH IT HAS NOT YET BEEN POSSIBLE TO LOCATE MR. BLAKE, THE EMBASSY WILL CONTINUE TO REMAIN ALERT TO ANY LEAD REGARDING HIS WHEREABOUTS. THE GUATEMALAN ARMY ALSO WILL CONTINUE TO BE ON THE LOOKOUT FOR ANY SIGN OF HIM.

10. WE HOPE THIS INFORMATION IS HELPFUL TO YOU. PLEASE BE ASSURED THAT EVERY ASSET AVAILABLE TO THIS MISSION IS BEING USED IN AN EFFORT TO LOCATE THEM.

AMERICAN EMBASSY
GUATEMALA. PIEDRA

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Department of State

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PAGE 01 GUATEM 06244 261651Z
ACTION OCS-06

INFO LOG-00 ADS-00 AMAD-01 CA-02 /009 W
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 9234
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO

UNCLAS GUATEMALA 06244

E.O. 12356: N/A
TAGS: CASC, GT
SUBJECT: W/W: UPDATE ON CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE

1. DATT SPOKE WITH LIEUTENANT COLONEL SOLIS, DEPUTY COMMANDER OF MILITARY ZONE 20 IN EL QUICHE, ON JUNE 18 ABOUT MISSING AMERICAN CITIZENS GRIFFITH DAVIS AND NICHOLAS BLAKE. SOLIS SAID THE MILITARY HAD UNCOVERED NO NEW INFORMATION OR LEADS ABOUT THE WELFARE AND WHEREABOUTS OF THE AMERICANS.

2. EMBOFF QUESTIONED GOG ARMY LIEUTENANT FEDERICO GUILLERMO PADILLA CASTILLO ON JUNE 19, DURING A NONIMMIGRANT VISA INTERVIEW, ABOUT BLAKE AND DAVIS. PADILLA CLAIMED TO BE STATIONED IN NEBAJ, THE TOWN WHERE BLAKE AND DAVIS WERE SUPPOSED TO MEET FRIENDS AFTER THEIR HIKE FROM SAN JUAN IXCOY. THE LIEUTENANT SAID THAT HE HAD HEARD NOTHING ABOUT THE FATE OF THE MISSING AMERICANS. HOWEVER, HE SAID THAT FIGHTING BETWEEN GUERRILLA INSURGENTS AND GOG SECURITY FORCES HAD INTENSIFIED IN THE AREA AROUND NEBAJ, AND THAT SEVERAL OFFICERS HAD BEEN KILLED.

3. THE JUNE 19 EDITION OF GUATEMALAN DAILY, THE "PRENSA LIBRE", CARRIED A STORY REPORTING SEVERAL CLASHES BETWEEN INSURGENTS AND GOG SECURITY FORCES IN THE DEPARTMENT OF EL QUICHE. ONE OF THESE OCCURRED ON THE ROAD BETWEEN SALQUIL AND NEBAJ, WHEN INSURGENTS ATTACKED A ROAD-BUILDING CREW, KILLING ONE GOG ARMY SPECIALIST AND WOUNDING ONE SOLDIER.

4. ON JUNE 20, EMBOFF SPOKE WITH CARL WEST, THE AMCIT SECURITY CONSULTANT ENGAGED BY THE BLAKE FAMILY AND FRIENDS OF GRIFFITH DAVIS. WEST SAID THAT HE WAS UNAWARE OF ANY NEW DEVELOPMENTS IN THE CASE. PIEDRA

Enc/Act

Mothers + Sisters informed

CONSULAR AFFAIRS
1985 JUN 26 PM 7:49

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Department of State

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FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC 1534

UNCLAS GUATEMALA 10718

E.O. 12356 N/A

TAGS CASC, GT (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)

SUBJECT: W/W- BLAKE DAVIS CASE - UNSUCCESSFUL INQUIRIES

1. ON OCTOBER 5, EMBOFF TRAVELLING BY HELICOPTER IN A REMOTE AREA IN NORTHERN HUEHUETENANGO TOOK THE OPPORTUNITY TO ASK LOCAL AUTHORITIES IF THEY HAD ANY NEWS WHICH MIGHT RELATE TO THE MISSING AMERICANS.

2. NO ONE IN NENTON, BARILLAS, OR FINCA MONTE CRISTO HAD ANY NEW INFORMATION ON THE CASE. THE LIEUTENANT COMMANDING THE GARRISON AT LOS SARGENTES, NEAR THE RIO IXTAN, WAS INTERVIEWED AS WELL, ALSO WITHOUT NEW INFORMATION RESULTING. PIEDRA

CONSULAR AFFAIRS

1985 OCT 18 AM 7:36

UNCLASSIFIED

UNITED STATES GOVERNMENT

memorandum

DATE: 3 December 1985

REPLY TO ATTN OF: Col Hooker - DATT

SUBJECT: Status Report on Blake-Davis case

TO: DCM

1. The following actions have been taken ref the Blake-Davis case since our last meeting on this subject with the Blake family.

a. Our Sources indicate one (1) FAG helicopter #170 was attached for duty to the Playa Grande MZ Commander during the period 2-11 April 1985. The area of operations included, Huehuetenango, El Quiché and Playa Grande. There is no record of landings in Nebaj but it is possible that this could have occurred. Pilots were Lt Tobar Barrera and Lt Jiron Guerra.

b. On 7 Nov 85 I discussed the Blake-Davis case with the D-2 Col Dorantes. He could not shed any more light on the subject. He did state that the MZ commanders and detachment commanders reported the visit by foreigners to the MZ if they presented themselves to the military authorities. I asked if I could review his D-2 Daily Journal for the months of March and April 1985 to see if such a report had been filed from Nebaj. Col Dorantes acceded and I personally reviewed the journals with negative findings concerning Americans in Nebaj having been transported by helicopter to the Army Detachment. There were references to others in the area but not during the period in question.

c. Passed on Ambassador Piedra's concern over the well being of alleged or possible informants alluded to by the Blake family. Col Dorantes indicated that the military had no interest in these so called informants and would not pursue the matter. He also hoped for a prompt resolution to the disappearance.

2. Prior to leaving, Col Dorantes once again expressed to me the actual practice of the Army in turning over American Citizens to U.S. Embassy/Consular control. He stated that the U.S. Embassy is informed immediately of cases involving U.S. Citizens and if there is any problems with them they are turned over as soon as possible in order to avoid future misunderstandings.

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

GPO : 1984 O - 433-783



United States Department of State

Washington, D.C. 20520

CONGRESSIONAL BRIEFING

Senators' offices are no doubt aware that the Embassy in Guatemala has been asked to check clandestinely on a story that the men were loaded into a helicopter at an army base in Nebaj, El Quiche.

The latest cable from Guatemala states that "every logical and appropriate action has been taken to locate these missing Americans but in view of the Blakes' unwillingness to share information there is no way to respond to their claim that the [story to be checked] is accurate and useful."

There was a meeting in the Department 11/21/85 in which we explained to Randy Blake and the family attorney, Edward Goff the need to verify the sources in order to inquire intellegently about their helicopter story. Randy explained that since his uncle, who had interviewed the sources, promised never to reveal their names, the names obviously cannot be revealed. The uncle never believed the story according to the family attorney, but intends to keep his promise.

We agreed to inquire openly of the Guatemalans asking them to find out what helicopter may have landed on that date and time and who the passengers may have been. We will also attempt to see whether there may have been an agreement or communication between Salvadoran and Guatemalan authorities pertaining to Nick Blake, whom Randy fears might have been considered by the Salvadorans to have been a courier for the guerrillas. We will also see if inquiries can be made safely in a new area along a different route which the Blake brothers hypothesize may have been used by the missing men.

GARY HART
COLORADO

COMMITTEES
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
BUDGET

United States Senate
WASHINGTON, DC 20510

December 4, 1985

Mr. Elliott Abrams
Assistant Secretary of State
Bureau of Inter American Affairs
2201 C Street NW
Washington, DC 20520

Dear Mr. Secretary:

We respectfully request a formal investigation and report by the State Department and the American Embassy in Guatemala into the disappearance of Americans Nicholas Blake and Griffith William Davis. Mr. Blake and Mr. Davis were last seen in Guatemala in April, 1985.

The Blake family initially shared the belief that Mr. Blake and Mr. Davis were seized by Guatemalan guerrillas in the Department of El Quiche. However, based on their own inquiries, Randall and Samual Blake, Mr. Blake's brothers, have now come to suspect that the two men were captured by the Guatemalan Army and taken by helicopter to the town of Nebaj. The Americans' fate after their arrival in Nebaj is unknown.

During a visit to Guatemala by Randy and Sam Blake last month, we cabled the Embassy in Guatemala to request its full cooperation and assistance. We appreciate the attention given to the brothers and efforts made thus far by Ambassador Piedra and the staff of the Embassy. Nevertheless, we share the Blakes' concern that all possible evidence in the case may not yet have been fully investigated or disclosed.

We therefore request a written report exploring the different hypotneses which have been offered for Mr. Blake and Mr. Davis's disappearance. This report should, to the extent appropriate, describe the Embassy's own inquiries and investigation, as well as its findings and conclusions.

We are particularly concerned that a full, independent investigation be made into reports of:

-- a Guatemalan Army helicopter bringing two men fitting Mr. Blake and Mr. Davis's descriptions to Nebaj about the time of their disappearance;

-- possible cooperation and intelligence sharing between El Salvadoran and Guatemalan military authorities to monitor Mr. Blake's activities as a free lance journalist; and,

-- reported contacts with the Blake family by a Guatemalan army procurement chief and a Guatemalan military

intelligence officer claiming to be the former's brother, in which Mr. Blake and Mr. Davis were reported to be alive and under close guerrilla guard.

We have encouraged the Blake family to share as much of the information in their possession as possible with the Embassy, in order to facilitate its investigation. Our primary concern is that the true fate of Mr. Blake and Mr. Davis be known.

Thank you for your attention and assistance.

Sincerely,

William Cohen

Gary Hart

John Heinz

George Mitchell

[BLAKE LETTER]

Arlen Specter

Daniel P Moynihan

John Kerry

To: Janet Lynch, Senator Hart, SR-237
Dennis Calkin, Senator Heinz, SR-277
Bob Carolla, Senator Mitchell, SR-176
Martha Pope, Senator Mitchell, SR-176
Tom Melia, Senator Moynihan, SR-464
Dick McCall, Senator Kerry, SR-364
Charles Kallenbach, Senator Specter, SH-331

FROM: Sally Lounsbury, Senator Cohen, SH-322

DATE: February 25, 1986

RE: Nicholas Blake

Enclosed is a copy of the response we received from our Embassy in Guatemala in coordination with the Department of State.

Randy And Sam Blake would like to meet with us regarding this letter at 4:00 p.m. on Tuesday, March 4. Sam will be flying in from school in Massachusetts. They can't make it any earlier in the day or any other day of the week. I'll be happy to have the meeting here in our conference room.

Larry Burns

A friend of Randy's from the Council on Hemispheric Affairs met personally with President Cerezo recently. This person asked the President what he thought of the Blake's situation and he indicated he was not familiar at all with the case. Needless to say, this has upset Randy.

Please let me know if you can make it. Sally 49223

we should push

We contact Bush's office



United States Department of State

Washington, D.C. 20520

February 19, 1986

Dear Senator Cohen:

Thank you for your letter of December 4 about the missing Americans Nicholas Blake and Griffith Davis who vanished in the Guatemalan highlands in late March or early April 1985. In response to your inquiries our Embassy in Guatemala and officers in the Department of State have reviewed their actions on behalf of the men and double checked, to the best of their ability, the most recent information presented by Sam and Randy Blake. This letter responds to your request for a written report on our efforts, provides you with the results of our review, and gives a reaction to some of the theories put forward about the missing men.

The case first came to the Embassy's attention when an American citizen called the consular section on April 8, 1985, to report that a friend, American citizen Griffith Davis, was overdue from a walking trip in Guatemala's western highlands. According to the caller, Davis was to meet friends in Nebaj, a market town in the Department of Quiche, on March 29. She thought it unlikely that he was purposely overdue as he had planned to attend his sister's wedding in the United States during the second week in April. Davis was traveling with an acquaintance named Nick Blake, she said, who she thought was an American living in Antigua, near Guatemala City.

Later on April 8, Embassy officers confirmed the American nationality of both of the missing men through immigration records. A telephone check of registration records at the Hotel Central in Huehuetenango confirmed the report that the men met and spent the night of March 25 at the hotel before beginning their journey. Consular officers called National Police and Treasury Police headquarters and asked that units in the western highlands be alerted. Catholic and Protestant missionary groups with people working in the region were also alerted. That evening, a consular officer was able to speak by telephone with a British citizen friend of Nick Blake, Michael Shawcross. Shawcross confirmed the basics of the story given by the original caller and said that he too was concerned for the men's safety.

The Honorable
William Cohen,
United States Senate.

On April 9, Shawcross, German citizen Mikki-Linden, and the U.S. citizen who first brought the case to our attention met with an Embassy officer in the Chancery. Shawcross said that Blake was a working journalist with an interest in the insurgency in the western highlands. Blake might take an opportunity to spend time with the guerrillas, said Shawcross. Davis was described as a long-term Guatemalan resident and an experienced hiker who had no political interests, but had long wanted to hike through the area in question. Blake and Davis, according to their friends, had met only recently. Shawcross was able to give a general description of the planned route. The men had planned to take a bus from Huehuetenango to San Juan Ixchoy where they were to begin their walk east to Nebaj.

Embassy officers called the military zone headquarters in Huehuetenango and Quiche later that morning, requesting the commanders' assistance in the search for the missing Americans. The Embassy then made a telegraphic report to the Department outlining the situation. The Department began a search of passport records in order to locate and contact the families in the United States.

On April 10, the Embassy Defense Attache followed an earlier telephone call with a letter to the Guatemalan Chief of Military Intelligence requesting assistance in finding the lost Americans.

During the following week, Embassy officers tried to track rumors that messages had been received from Nick Blake by another American friend, and by the owner of the small Antigua pension where Nick Blake generally stayed in Guatemala. The American Embassy in San Jose reported that the friend told Embassy officers he had received a note at Blake's Antigua pension on March 31. That note supposedly said Blake would be in Nebaj between April 1 and 3. When Blake did not arrive in Nebaj, the friend returned to Antigua, where the owner of the pension said that another person, name unknown, had left a message that Blake would be unable to meet the friend. Embassy officers in Guatemala were able to question him regarding this sequence of events later. He said that he had been misunderstood when interviewed by our officers in Costa Rica, that he had received no message. The pension owner had a somewhat different story to tell. He said he had received two written messages in early April, purportedly from Nick Blake, saying that his return would be delayed and to say nothing to the authorities. The pension owner now says that he destroyed the notes. The Embassy

believes there were never any notes. The Department contacted the mothers of the missing men April 13th. They had not heard from their sons and agreed that there was real reason for concern. Within a week, the Blakes had drawn on many of their own contacts with connections in Central America to help locate their son. Officials at the highest level of the Administration and several Congressmen, yourself included, were contacted by the family for assistance.

On April 18, two Embassy officers in a chartered helicopter flew to the Department of Huehuetenango and Quiche to investigate the disappearance. Accompanying the officers were the consular section fraud investigator (a veteran of the Guatemalan national police) and an Embassy security agent who speaks the area's predominate dialect. The use of a helicopter was required because the route planned by Blake and Davis between San Juan Ixcoy and Nebaj is serviced only by hiking trails and includes some of the roughest high country in Central America. In San Juan Ixcoy, where Blake and Davis left the bus and began their trek, Embassy officers met two Guatemalan army intelligence specialists who were conducting their own search for the missing Americans. The Embassy team was able to trace the route followed by Blake and Davis from San Juan Ixcoy on March 26 through San Francisco Las Flores and Mixlaj to the village of Llano, along the border between Quiche and Huehuetenango, several days later. It appears that on the morning of March 29 or 30, Blake and Davis left Llano, saying they were heading to Salquil, a large model village which can be reached by road from Nebaj. The commander of the army detachment at Las Majadas, the military outpost closest to Llano, said that he was told by Llano villagers on March 29 that two Americans were requesting permission to go to Sumal, a stronghold of the EGP (Guerrilla Army of the Poor). The Lieutenant said he instead gave the Americans permission to travel to Salquil. Villagers at Mixlaj, where Blake and Davis had spent a night during their trip, also said that the Americans had expressed an interest in going to Sumal. The villagers said they told Blake and Davis not to go to Sumal because the area was dangerous.

The date of their departure from Llano was March 29 according to the Llano villagers, and March 30, according to the Lieutenant at Las Majadas, who never met Blake and Davis. Embassy officers in Guatemala find no significance in the difference in dates. They believe it is very likely that the villagers erred, as no written record was kept. No trace of the whereabouts of Blake and Davis was found from the time they left Llano. At one point the

Blake family heard their sons may have been involved in a battle, but their confusion stemmed from the account of our Embassy officers flight into Salquil, where the army detachment mistook their helicopter as one bringing in reinforcements for a firefight then in progress about five miles from the village. According to the Lieutenant in charge of the Salquil garrison, Blake and Davis never arrived at Salquil. Embassy officers then backtracked to Quilen Novillo, the only occupied village between El Llano and Salquil. Villagers at Quilen Novillo said that the missing Americans had not passed through the village. At Nebaj, interviews with townspeople and military officials turned up no sighting of Blake and Davis. However, it was apparent that townspeople in Nebaj were well aware of the search for the Americans. None of the villages along the planned route are garrisoned by the Guatemalan army. There are no indications that Blake and Davis had any contact with regular government forces. Throughout the search, Embassy officers distributed flyers which included photos and descriptions of Blake and Davis, as well as numbers and addresses to contact in case someone had information to report. It should be added that this trip included a certain degree of physical risk on the part of the Embassy team. The village of Mixlaj, for example, is considered a dangerous place for official Americans.

Another American citizen friend of Nicholas Blake told Embassy officers in San Jose, Costa Rica, he had talked with Blake and Davis in Huehuetenango the night before they began their trip and Blake had said that he and Davis were going to "back door" into the guerrilla zone, avoiding the army patrols he believed were blocking the area. Blake fully expected to be "caught" (Blake's words) by the army or the guerrillas, according to this friend.

Lieutenant Colonel Jose Solis, Deputy Commander of Miltary Zone 20 (Quiche) came to the Embassy on April 30 to brief the Defense Attache and consular officers on a planned army sweep through the area in which Blake and Davis were believed to have disappeared. The sweep, involving some 450 infantrymen, began the following day. Units were broken into reinforced squads and employed in small "force patrols". This tactic involved greater risk as larger units are normally employed in such areas, but the smaller patrols offered more thorough coverage. Guatemalan sources reported two officers and ten enlisted men killed in the sweep. No sign of the missing Americans was reported.

On April 25, an Embassy officer in a chartered light aircraft, dropped leaflets over the Sumal area. The leaflets, printed in Spanish and the prevalent Indian dialect, Ixchil, had photos of both men. Leaflets were also provided to the zone headquarters for distribution to army patrol leaders and civil guard units.

Mrs. Mary Blake, Nicholas Blake's mother, came to Guatemala on April 25 accompanied by her son Randy Blake, family friend Lucien Yokana, and Attorney Edward Goff. Mrs. Blake's party met with Ambassador Piedra and received a thorough briefing on the investigation to that point.

Embassy officers accompanied the party to Military Zone 20 headquarters in Santa Cruz del Quiche on April 27 where the zone commander briefed them on the actions he had taken to locate Nicholas Blake and Griffith Davis. The family hired a private investigator in Guatemala at about this time.

Attorney Edward Goff, representing the Blake family, came to Guatemala again on May 23 after spending several weeks in Chiapas, Mexico near the border with Guatemala. He was accompanied by the private investigator. Both were briefed on the status of the investigation.

Sam and Randy Blake, accompanied by friends, visited Guatemala during the first week of November and again one month later. On both occasions they met with Ambassador Piedra, the Deputy Chief of Mission, and other Embassy officers. During the November visit, Sam and Randy Blake divulged two potential leads in the case. 1) The Blake brothers had heard that two persons fitting the description of their brother and Griffith Davis had landed in a helicopter in Nebaj at the end of the first week of April. According to this story, the passengers were forcibly removed from the helicopter by Guatemalan army troops and taken to the garrison headquarters, 2) a second line of inquiry was opened by their description of contacts between a Guatemalan army procurement officer and a close business contact of the Blake family. Embassy officers immediately began to check both stories.

The helicopter story was made very difficult to check since source was unknown to the officers who worked on it. The brothers could not divulge any information that could lead back to the date or time of the event or the name of anyone who may have witnessed it. The Guatemalan military officer responsible showed the U.S. Defense Attache his log indicating there were no helicopter flights in the area described during the time frame mentioned. We have not been able to establish any information to contradict this log.

According to Sam and Randy Blake, Mrs. Remidios Diaz, a family friend and business associate living in Miami, had been approached by a Guatemalan army officer who worked in the army's procurement section. This officer, according to the story, told Ms. Diaz that his brother, a Guatemalan intelligence officer, had personal knowledge that Blake and Davis were being held by guerrillas. For a sum, it was said, an army expedition could be organized to rescue them. On hearing the story, the Ambassador asked Sam and Randy Blake to have Ms. Diaz call or write the Embassy. Embassy officers later tried to identify a procurement officer and an intelligence officer who are brothers in the Guatemalan army. No such persons could be identified. During a visit to Guatemala December 13th and 14th, a meeting took place between key officers of the Embassy, Mr. Richard Blake, Nicholas Blake's father, Mr. George Strawmueller, the missing man's uncle, and the family attorney, Mr. Edward Goff. At that time the Ambassador raised the question of the Diaz contact. Mr. Strawmueller said that he was the only member of the family who had spoken with Mrs. Diaz. He said she had been contacted by someone who offered to use his influence and knowledge to have a search made for the missing men. Based on the information he received from Ms. Diaz, Mr. Strawmueller did not pursue the offer. Mr. Strawmueller indicated that the story of a Guatemalan procurement officer and his intelligence officer brother was invented by Sam and Randy Blake to fill in details regarding the contact, details that Mr. Strawmueller and Ms. Diaz were unwilling to share. At the request of Sam and Randy Blake, Ambassador Piedra attempted to verify this with Ms. Diaz during his December consultations in the United States but was unable to reach her because she was abroad. In January she told the Department that she had asked all her Guatemalan contacts to assist the family but had no leads. There are notes in the Department of calls she made here with offers of assistance and support for the case, also. She denied any direct contacts with Guatemalan military.

On December 17, Embassy officers flew to Nebaj where they interviewed six former members of the EGP (Guerrilla Army of the Poor), a Marxist guerrilla organization operating in northern Huehuetenango and Quiche. All six had been operating in the general area of Sumal until they returned to government control in 1985.

Sumal itself is a small cluster of buildings at the end of a high mountain ridge surrounded on three sides by sheer walls of bare stone. It is not a population center of any importance, but rather is the geographical center of a zone of conflict.

None of the six ex-guerrillas had knowledge of any strangers recently observed in the area. One mentioned Cuban advisors seen in the area in 1981 as the last strangers of whom he had heard. Two other former combatants said that two "Negroes" of unknown nationality were rumored to be traveling with an EGP unit. Each of the six said that is was impossible to believe that individual EGP members happening upon the two Americans would have harmed them. All insisted that any strangers encountered would be taken to the central committee or a guerrilla officer. After these interviews, Embassy officers went to Las Violetas, a refugee camp on the outskirts of Nebaj, to interview civilians who had fled the Sumal area in recent weeks. The refugees indicated that they knew nothing of the Americans.

Regarding theories that the Guatemalans may have been alerted by Salvadoran government officials to Nick Blake's presence in the area, American officers in Washington and Guatemala consider it very likely that Guatemalan and Salvadoran intelligence services sometimes share information of mutual interest. There is no reason to believe, however, that authorities of either government have any particular interest in Nick Blake who is neither a well-known nor controversial journalist. In a country where high-visibility journalists continue to travel freely after writing articles critical of the Guatemalan government, it is not credible that intelligence services would monitor the activities of a freelance writer who was evidently unpublished on Guatemalan affairs. Had the Government of Guatemala determined that Nick Blake was a security risk, his entry into the country could easily have been blocked. Further, it is unlikely that the army would have given him a travel permit for the conflict zone

in Huehuetenango, as they did in late 1984, if he was considered a threat. Griffith Davis appears to have shown no particular interest in Guatemalan politics. His status as a casual resident would have provided Guatemalan authorities with ample opportunity to expel him from the country had they wished to do so. It would have been very difficult for the activities of the two Americans to have been closely monitored while in the highlands. Many of the civil defense groups in the small villages north of Nebaj have no radio or telephone service, and depend on hand carried messages for communication with the outside. The frequency of armed encounters between army troops and insurgents in this area would argue against any plan to send a patrol or individual agent in pursuit of the two Americans. Based on the above, and all possible inquiries along this line, the Embassy concludes that is is unlikely that either of the two Americans was of special interest to Guatemalan intelligence authorities.

Concerning the supposition that an abduction took place, it should be understood that Military Zone 20, the location of the alleged sighting, is frequently visited by Embassy officers. Our contacts there are excellent. In the considered judgement of American military and civilian officers familiar with the zone and the key personalities who operate there, an abduction of American citizens is extremely unlikely. Guatemalan Lt. Col. Marin, Commander of the Nebaj garrison at the time in question, has since been moved to a sensitive position in the new civilian government of Christian Democrat Vinicio Cerezo. Embassy officers consider him one of Guatemala's best soldiers. Deputy Zone Commander Solis is a sophisticated officer who understands the political significance such an abduction would have. The zone commander, Col. Byron Lima, is considered to be an honest, straightforward soldier. This assessment is not meant to be seen as a defense of the Guatemalan military. However, the Guatemalan army has traditionally sent its best officers to the "conflictive zones" of the highlands, and the Embassy pays close attention to this critical area and the people who are assigned there.

This overview is by no means a complete summary of all actions taken by Embassy Guatemala in the search for Nicholas Blake and Griffith Davis. The Ambassador and other Embassy officers have made an ongoing series of requests for assistance and information from Guatemalan

authorities at all levels, including the Chief of State. The Embassy and the Department have, as well, looked into a number of rumors which have proved to be totally groundless.

The case will remain open and active until we have solid evidence of the welfare and whereabouts of Mr. Blake and Mr. Davis. Embassy officers regularly travel to the highlands, including areas on the northern face of the Cuchumatanes Mountain chain and along the Mexican border, and always make inquiries regarding Blake, Davis and any "strangers" who might be rumored to be, or have been in the area. In the Department, all country desk officers are aware of the case should any information about the men come from another country in the Caribbean or Central American region. All U.S. Embassies in Central America have been provided details about the missing men.

As you can well understand, the disappearance of Nicholas Blake and Griffith Davis engenders frustration and concern both for the families of the missing men and for the Americans and Guatemalans charged with finding them. A solution to this case remains a very high priority in the Department of State.

Ms. Renny Smith in the Citizens Emergency Center is following the case closely, and is in frequent contact with the family and government officials on behalf of the missing men. Please encourage anyone who may be interested in this case to call her at (202) 647-5225. If your office would like to be kept informed of developments, please call and she will contact you whenever there is significant activity on the case.

With best wishes,

Sincerely,



William L. Ball, III
Assistant Secretary
Legislative and Intergovernmental Affairs

ACTION COPY

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Department

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INCOMING TELEGRAM

PAGE 01 MEXICO 04992 052147Z 0406
ACTION OCS-00

INFO LOG-00 ADS-00 AMAD-01 CA-02 /009 W
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E. O. 12356: N/A
TAGS: CASC, MX (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: W/W: NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: A) GUATEMALA 1333 B) MEXICO 2917 C) MEXICO 3190

1. EMBASSY SENT CONSULAR OFFICER TO CHIAPAS, A STATE BORDERING GUATEMALA AND THE AREA WHERE NICHOLAS BLAKE AND GRIFFITH DAVIS ARE PRESUMED TO BE IF THEY ARE IN MEXICO.

2. SEARCH WAS BEGUN ALONG THE MEXICAN-GUATEMALAN BORDER FROM TAPACHULA THROUGH BORDER CHECKPOINTS CIUDAD HIDALGO, TALISMAN AND CIUDAD CUAUHTEMOC. RESULTS WERE NEGATIVE. FLYERS CONTAINING PHOTOS AND DESCRIPTIONS OF THE TWO MEN WERE DISTRIBUTED, REQUESTING THAT THE EMBASSY OR CONSULATE IN MERIDA BE NOTIFIED OF ANY SIGHTING.

3. AT AN IMMIGRATION CHECKPOINT BETWEEN CIUDAD CUAUHTEMOC AND COMITAN, IMMIGRATION OFFICERS DID NOT RECOGNIZE THE TWO MEN, BUT INDICATED THAT THIS WAS A HEAVILY-TRAVELED ROUTE FOR AMERICANS TRAVELING BY CAR TO AND FROM GUATEMALA.

4. AN IMMIGRATION OFFICIAL IN COMITAN POSITIVELY IDENTIFIED A PHOTO OF GRIFFITH DAVIS. SHE STATED THAT DAVIS WAS IN HER OFFICE AND ASKED PERMISSION TO STAY IN MEXICO FOR 60 MORE DAYS IN APPROXIMATELY AUGUST 1985. SHE HAD THE IMPRESSION THAT DAVIS WAS LIVING WITH AN INDIGENT GROUP OF FOREIGNERS. DAVIS TOLD HER HE WAS LIVING IN SAN CRISTOBAL DE LAS CASAS. HOWEVER, NO RECORD OF DAVIS COULD BE FOUND IN EITHER COMITAN OR SAN CRISTOBAL DE LAS CASAS.

5. ANOTHER IMMIGRATION OFFICIAL IN SAN CRISTOBAL DE LAS CASAS SAID HE HAD MANY CONTACTS AMONG THE FOREIGN COMMUNITY THERE AND WOULD TRY TO DETERMINE IF BLAKE OR DAVIS WERE LIVING IN THAT CITY. HE ALSO TOOK ABOUT 35 OF THE FLYERS FOR DISTRIBUTION AROUND THE CITY, ASKING THAT HIS OFFICE BE CONTACTED.
LATER, THE OFFICIAL, LIC. MONTES OF THE SUBDELEGACION DE SERVICIOS MIGRATORIOS, REPORTED THAT HE HAD RECEIVED INFORMATION THAT BLAKE WAS SEEN IN THE COMPANY OF GABRIEL SUAREZ, PRESIDENT OF AYUDA DE GUATEMALTECOS, AN ORGANIZATION WHICH RECEIVES DONATIONS FOR GUATEMALAN REFUGEES. BLAKE ALLEGEDLY APPROACHED SUAREZ EXPRESSING HIS CONCERNS AND OFFERING TO HELP THE CAUSE. BLAKE AND SUAREZ LEFT SAN CRISTOBAL DE LAS CASAS TOGETHER AND PROCEEDED TO HUCHUETENANGO, GUATEMALA. LIC. MONTES HAS TRIED TO CONTACT SUAREZ DIRECTLY BUT WAS UNABLE TO; ACCORDING TO MONTES, SUAREZ MAY BE UNWILLING TO BE QUESTIONED BECAUSE OF HIS ALLEGED INVOLVEMENT IN ILLEGALLY-USURPING FUNDS FROM HIS ORGANIZATION. EMBASSY ATTEMPTS TO CONTACT SUAREZ WERE ALSO UNSUCCESSFUL.

6. ON MARCH 2, 1986, LIC. MONTES RECEIVED AN ANONYMOUS CALL FROM A MEXICAN MALE WHO STATED THAT THE TWO MISSING AMERICANS WERE INCARCERATED IN THE SAN MARCOS JAIL, DEPARTMENT OF SAN MARCOS, GUATEMALA.
BUSBY

Larry believes Suarez meetings were Nov. 84 Feb '85 No sightings of Nick Blake in Mex after that

His Blake + Davis reformed Davis are married now in Mexico

UNCLASSIFIED

1412 15th St. N.W. #6
Washington, D.C. 20005

June 22, 1986

Bob Carolla
Office of Sen. George Mitchell
Russell Building Room 176
Washington, D.C. 20510

Dear Bob,

We have not communicated lately so I thought that I would bring you up to date on our case. Since we last spoke, we have changed drastically our thinking about what happened to Nick and Griff.

Sam and I recently traveled again to Mexico City on May 30 for another meeting with an EGP representative. We ended up not having the meeting because of a communication foul-up, but we did have a number of other productive discussions.

Our reason for meeting with the EGP this time is because we now believe that they perished at their hands. We wanted to inform them directly about this and to deliver them an ultimatum for releasing information and whereabouts of their remains.

We have concluded this based on information that we heard recently from the Reuters Bureau Chief in Mexico City, Bernd DeBussmann. In April, Mr. DeBussmann informed us that his main EGP contact in Mexico City told him that Blake and Davis had perished at their hands some time ago.

Mr. DeBussmann stated that this admission occurred during a conversation that was unrelated to the case. He said that while they were discussing general events, his contact stated, "You know, we are capable of doing some terrible things also, like look at those two American journalists that we executed." Mr. DeBussmann maintains that this was a definite allusion to Nick and Griff. DeBussmann had not solicited this information. The EGP person offered this information spontaneously.

Later, Mr. DeBussmann approached this same contact again to ask for further details and if they might meet with the Blakes. The EGP contact replied that the Blake's had been given the official line, that there would be no change.

Because of the context of this admission, we take this very seriously. It is one thing to receive information through second

and third hand channels. However, this was received as a direct admission from a very reputable journalist. Moreover, it matches what at least one other journalist has heard through sources in Mexico City. It also could be the same story that we were hearing through our connections in Guatemala City and Managua as early as last June.

The latest trip to Guatemala in March by Sam and Jim Adriance forced us to reevaluate the Army disappearance theory. As you know, Sam was able to meet with the sister in another town away from Nebaj. She insisted that the helicopter abduction story was groundless.

When she heard the story, she looked into it herself for about five days last Fall, and found nothing to back it up. Because she was always being approached by third parties for information, we thought that she was too intimidated to speak openly. Sam and Jim Adriance found her believable during their meeting.

You will recall that Sam visited the village of El Llano during that trip. The village leader of El Llano insisted that Nick and Griff had been permitted to go to Sumal. Sam also spoke to the Army lieutenant who commanded the garrison of Los Majades, around El Llano, who claimed that they had been permitted to go wherever they pleased.

Originally, we thought that Nick had been told to stay away from Sumal, and that he had decided to walk back to Nebaj. However, the village leader of El Llano claimed that they had taken the path that would have lead them to Sumal.

Based on this recent information, we have decided to press the EGP to the fullest extent about their disappearance. We think that their official policy is to stonewall us, and that they concluded very cynically some time ago that they could gain a propaganda victory by letting us bash the Army publicly over this case. That is the way they do things.

Thus, we are now demanding that the EGP explain what happened on this case. Our basic premise is this: they are expected to give us information in exchange for us not blowing up this case in western media.

We have already sent them an ultimatum by letter. One letter is being sent through a high Sandinista official, Omar Cabezas of the Ministry of the Interior, who is expected to deliver it to his contacts within the EGP. In addition, Bernd DeBussmann and

another journalist are delivering it to their contacts within the Mexico City-based EGP. As soon as we know that they received it, they have three weeks to contact us.

If the EGP don't contact us, then we will wage a media war on them. Some of the things that we will do are:

1) Run a week of full-page advertisements in Guatemala City's dailies accusing the EGP.

2) Both ABC and CBS have done pieces on the case. After they run those, they have agreed to do follow-ups, with which we will conclude that they were the culprits.

3) Major dailies like the New York Times, the Miami Herald want to do follow-ups on their other stories. We will conclude that it was the EGP who did them in.

4) We will write letters to every Senator and Congressman about the case.

5) We will hold press conferences in Guatemala City and on Capitol Hill about our conclusions. We will actively call on Senators and Congressman who are sympathetic to this case to appear with us.

Basically, we feel that there is really no other way to deal with the EGP. I know they are sensitive to public perception because the only reason they met with us last November is because as they stated, we had become for them "a political problem." Since this is their motivation, this action will raise the stakes for their stonewalling.

We are not sanguine about the EGP resolving this case. Thus, we are going to need help on Capitol Hill for getting our message out.

I know that this is a lot for one letter. I would like to hear your thoughts on where we should go from here. Please contact me as soon as you get a chance.

Sincerely,

Randy

Randy Blake

cc: Sally Lounsberry

WILLIAM S. COHEN
United States Senator

JOHN R. McKERNAN, JR.
Member of Congress

Maine
Congressional
Delegation

GEORGE J. MITCHELL
United States Senator

OLYMPIA J. SNOWE
Member of Congress

October 24, 1986

Mr. Thomas A.D. Tharp
Deputy Assistant Secretary for
Overseas Citizens Services
Bureau of Consular Affairs
Department of State
Washington, D.C. 20520

Dear Mr. Tharp:

We are writing to restate our interest in Randy and Sam Blake, whose brother, Nick, disappeared in the area of El Llano, Guatemala, about April 1, 1985.

We appreciate the time and effort the State Department has spent thus far in trying to determine the fate of Nick and his companion, Griff Davis, and are aware that more effort and staff time has been given this case than on other disappearances.

Randy and Sam have vigorously pursued many avenues in an effort to gain information on Nick. Most of these leads have proven fruitless, and they are left with the strong feeling that the E.G.P. does indeed have knowledge of Nick's disappearance.

We would like to determine if our Embassy in Guatemala City can encourage the Guatemalan government to negotiate with the E.G.P. in an effort to gain additional information.

Thank you.

Sincerely,

George J. Mitchell
United States Senator

William S. Cohen
United States Senator

WILLIAM S. COHEN
United States Senator

JOHN R. McKERNAN, JR.
Member of Congress



GEORGE J. MITCHELL
United States Senator

OLYMPIA J. SNOWE
Member of Congress

November 4, 1986

The Hon. Oscar Padilla
Ambassador Extraordinary and Plenipotentiary
Office of the Embassy
2220 "R" Street
Washington, D.C. 20008

Dear Ambassador Padilla:

We understand you have been in touch with Randy Blake, the brother of Nicholas Blake, who has been missing in Guatemala since April 1985.

We learned that official negotiations have now begun between the Guatemalan government and the rebels. As you may be aware, Mr. Blake feels strongly that the E.G.P. may have knowledge of his brother's disappearance.

We are enclosing copies of our recent letters to the U.S. Bureau of Consular Affairs which indicate our strong interest in these negotiations going forward on behalf of the Blake family.

Thank you for any efforts you may make in reaching this goal.

With best wishes, we are

Sincerely,

George J. Mitchell
United States Senator

William S. Cohen
United States Senator

WILLIAM S. COHEN
United States Senator

JOHN R. McKERNAN, JR.
Member of Congress



GEORGE J. MITCHELL
United States Senator

OLYMPIA J. SNOWE
Member of Congress

November 4, 1986

Mr. Thomas A.D. Tharp
Deputy Assistant Secretary for
Overseas Citizens Services
Bureau of Consular Affairs
Department of State
Washington, D.C. 20520

Dear Mr. Tharp:

This is a follow-up to our letter of October 24, 1986, concerning the Nicholas Blake and Griffith Davis disappearance in Guatemala.

We understand that official negotiations have begun between the rebels and the Guatemalan government. We are hopeful that Ambassador Piedra will personally meet with President Cerezo in an effort to ensure that negotiations go forward on behalf of the Blake and Davis families.

Thank you..

With best wishes, we are

Sincerely,

George J. Mitchell
United States Senator

William S. Cohen
United States Senator

cc: Ambassador Alberto M. Piedra

cc: Elliott Abrams, Assistant Secretary for
Human Rights and Humanitarian Affairs



United States Department of State

Washington, D.C. 20520

December - 9, 1986

Dear Senator Cohen:

Thank you for your letters of October 24 and November 4 from yourself and Senator Mitchell expressing your interest in the case of Griffith Davis and Nicholas Blake who disappeared in Guatemala in 1985.

Randy Blake met with the deputy assistant secretary for overseas citizens services and the consular case officer here at the Department on November 5 to discuss the status of the case. Besides keeping alive all parties' interest in the disappearance of his brother and Griffith Davis, Randy's primary objective is now for the U.S. government to press the government of Guatemala to place his brother's disappearance on the agenda of any talks between Guatemalan authorities and the Guerrilla Army of the Poor (EGP). In addition, he and other members of the family intend to keep in contact with government officials in both Guatemala and the U.S. who may be able to assist them in their efforts.

At the present time, there are no active negotiations taking place between the government of Guatemala and the guerrilla forces. Following the recent killing of seven government soldiers, allegedly by members of the EGP, President Vincio Cerezo stated that the killing of the soldiers was "totally incongruent" with their call for dialogue. He reiterated this position at the recent meeting of the Organization of American States in Guatemala.

The current climate affecting relations between the government of Guatemala and the guerrillas, including the public statements by President Cerezo, appear to make it unlikely that President Cerezo will enter into negotiations in the near future. The embassy and the Department of State, sensitive to the Guatemalan government's stance on any negotiations, will closely follow the situation and await further developments before deciding upon an appropriate course of action.

The Honorable
William S. Cohen,
United States Senate.

Please be assured that I share your concern in this unfortunate case, and that I will call to the attention of the embassy your continuing interest and your desire to see the case on the agenda of any meeting between the government and the guerrillas. Ambassador Piedra has been personally involved in trying to solve the case, having met with the family on several occasions. You may be sure he will continue his efforts to bring about a final resolution.

I hope this information is of help to you. If I can be of further assistance, please do not hesitate to contact me.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Embassy of the United States of America

Guatemala, Guatemala

December 2, 1986

Honorable William S. Cohen
United States Senate
Washington, D.C. 20510

Dear Senator Cohen:

Thank you for your letter of November 4, 1986, concerning the disappearance of Nicholas Blake and Griffith Davis. You asked that I meet with President Cerezo and encourage negotiations with the rebel groups on behalf of the families of Messrs Blake and Davis.

The Guatemalan Government currently has no plans to enter into negotiations with the rebels, however, should this policy change, I will discuss the Blake/Davis case with appropriate Guatemalan officials as I have done on several occasions in the past.

I hope the above information will be useful to you in responding to the Blake and Davis families.

Sincerely,

Alberto M. Piedra

Alberto M. Piedra
Ambassador

Embassy of the United States of America

UNCLASSIFIED MEMORANDUM OF MEETING

Date: 3 September, 1987

Place: Consul General's Office

Those Present: CONS:DTrujillo; DATT:GHooker; CONS:Converse; Mr. Jim Ellesen (aka Tim Raub Ellis)

Subject: Blake/Davis Case

As arranged, Mr. Ellesen presented himself at the Embassy at 10AM to discuss the status of his investigation into the whereabouts of Nicholas Blake and Griff Davis.

Mr. Ellesen said that he came to Guatemala in 1976 to flee a sentence of one and a half years in prison for sale of drugs in Boston. He was familiar with Guatemala from frequent travel here to visit friends in the Peace Corps.

Last year for the first time since he came to Guatemala he re-entered the States and did it without papers. He said that he was stopped, but talked his way in. He worked for six months, but loved his two Guatemalan children too much to spend any more time away from them, so returned.

He has a range of Guatemalan identification, including a carnet as a Commissional Militar, a driver's license and a cedula indicating he was born in Guatemala (although he was actually born in PA in 1945). He used an altered birth certificate to establish an identity here in Guatemala as Jim Ellesen Ralb.

Mr. Ellesen's contacts with the embassy began in 1984 when he contacted then DATT Charlie Stokes and later Lt. Col. Herzog from Embassy Mexico. Everything he told Stokes was repeated to him by the Military Zone Commander the next day, leading him to believe that the embassy is bugged. He doesn't believe that Col. Stokes was the source of the information.

Mr. Ellesen managed to stay neutral in Guatemalan internal troubles until the guerilla forces moved into Huehuetenango in force. He then decided to make friends with the military, and established a close relationship with then Zona Militar Commander Col. Hector Catalan. He supplied them with information and they gave him the run of the base. While making friends in the military he also made enemies, and he was told in 1985 that there was a clique on the base intending to kill him. He then decided to come to the embassy and talk to the DATT. He reported on such things as the shipment of arms, Mexican support for the insurgency and military responses. In the conversations

he was asked, "Is Col. Catalan stealing more than" another colonel. He doesn't remember his answer, but Col. Catalan decided that his answer was a negative reflexion on him, and turned him out of the base and cut him off from support. Mr. Ellesen then cut his relations with the embassy from then until a month ago.

Over the course of those months of embassy contact Col. Stokes mentioned that the embassy was very interested in locating Jack Shelton, an American who had disappeared in the Huehuetenango area. After the disappearance of Blake and Davis, interest was expressed in knowing what happened to them, also. Stokes involved then ConGen Phil Taylor at that point. According to Ellesen, Taylor offered to help him with his legal troubles in the U.S. while discussing information on Blake and Davis. (Taylor does not remember this being an offer of assistance in exchange for information.)

Ellesen says that Blake and Davis were killed the day after they were last seen. They left Huehuetenango to go to Nabaj, but had difficulty in getting there and turned back. They were shot on the way back to Huehuetenango by people who wanted their cameras and other objects of value. He does not yet know exactly where they are buried and probably won't know for a month. He is paying a person to make contact and become friendly with the murderer. This is at a delicate stage, and cannot be hurried or meddled with. The information was given to him about 6 weeks ago by someone who apparently knew about it within two days of its happening.

As an aside he reported that last Sunday the insurgents took the village of Aquacatan and held it for the night. The Civil Guard called for the military, then hid. The military never came to the assistance of the village. There are Peace Corps volunteers there, and he suggests that they be withdrawn. He also suggests that people not venture off the main roads in that part of Guatemala.

Ellesen suggested two things at this point in the conversation: 1) Don't investigate the murders to closely. It will open a can of worms and cause trouble for Ellesen, the government and other people whom he declined to identify; and 2) Exhume the bodies and get out with minimal publicity, which might threaten the life of the go-between.

The ConGen described the logistics of getting a team of people there for the exhumation and Col Hooker said that it would be difficult without involving the military, depending on where the grave is located.

Ellesen hopes to avoid his involvement becoming known. He will not be present at the exhumation, and discussed ways to pinpoint the grave without his having to return. He is concerned with his safety and that of the people who have helped him. He has

left letters with two people addressed to the embassy with all the details as he knows them to this point. If he should be killed or disappear, they will be delivered. If his sources dry up, he will also give us the details so we can try on our own. He left us a list of numbers where he can reached during the day, but he has no telephone in his house.

Ellesen is willing to talk to the Blake and Davis families, but feels that now is premature. He is also willing to speak to the Blake lawyer, but only on his terms and if the lawyer will accept him as a client so that he cannot be discussed with the Blake family. When it was suggested that this might be a conflict of interest, he said that he would probably not speak to the lawyer at this time.

The conversation turned to his legal problems in the states and his desire to register his children as U.S. citizens. The ConGen deliberately did not bring the subject up, leaving it to Mr. Elleseson. When he finally did bring it up, it came in the form of a request, and not a quid pro quo arrangement. He clearly understood that the embassy could not assist him in settling his affairs in the U.S. Various options were outlined to him about how to register his children, but it was reiterated that his legal problems in the states are his problems. These problems include resolving his fugative status and his use of multiple names to clear the way for registration of his children and for his marriage.

In response to ConGen's question about whether they were killed because they were Americans, he said no, they were killed because they had cameras. It was not anti-American or anti- or pro- anything.

He left saying that he would keep in touch and expressing the hope that we would soon have an exhumation.

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FM USDAO GUATEMALA GT
TO DIA WASHDC//DAH-5// IMMEDIATE

UNCLAS SECTION 01 OF 02 GUATEMALA GT 09808

SUBJECT: REQUEST FOR INFORMATION

REF: UR 112148Z SEP 87

1. IN REPLY TO REF MSG, I HAVE PREPARED A CHRONOLOGICAL LISTING OF ACTIONS THAT HAVE BEEN TAKEN BY THE DAO IN SUPPORT OF THE US CONSULATE EFFORTS TO DETERMINE THE WHEREABOUTS OF NICHOLAS BLAKE AND GRIFFITH DAVIS.

2. FYI THIS IS A CONSULAR MATTER, HOWEVER, ACTING UNDER THE INSTRUCTIONS OF THE AMBASSADOR WE HAVE COOPERATED FULLY WITH THE CONSUL GENERAL AS THE INDIVIDUALS INVOLVED DISAPPEARED IN A COMBAT AREA. THE CONSUL GENERAL MAINTAINS THE ACTIVE FILE IN THE EMBASSY. OUR FILES ARE LIMITED TO MILITARY INVOLVEMENT BY THE DAO AND THE GT ARMY. THERE IS ONE EXCEPTION AND THAT IS A RECENT INTERVIEW (3 SEP 87) WITH A SOURCE WHO CLAIMS TO HAVE INFORMATION THAT THE INDIVIDUALS INVOLVED WERE KILLED AND BURIED. SOURCE INDICATES THAT THE MOTIVE FOR THE ALLEGED KILLINGS WAS ROBBERY. I CAUTION TO SAY THAT THIS IS AN UNSUBSTANTIATED REPORT WHICH IS UNDER ACTIVE INVESTIGATION BY THE CONSUL GENERAL. I PARTICIPATED IN THE MEETING WITH SOURCE AND HAVE A COPY OF THE MEMORANDUM FOR THE RECORD. THIS WILL BE DELIVERED PERSONALLY DURING MY VISIT TO WASHDC 15-22 SEP 87.

3. THE FOLLOWING IS A CHRONOLGY OF EVENTS AND ACTIONS CARRIED OUT BY THIS OFFICE IN SUPPORT OF THE CONSULAR INVESTIGATION:

18 APR 85 - DATT TRAVELED TO QUICHE AND NEBAJ AND MET WITH ZONE CDR COL BYRON LIMA AND S-2, MAJ ALFREDO MERIDA - NO INFO.

23 APR 85 - DATT MET WITH LTC EDGAR SOLIS, DEPUTY CDR MZ #20. SOLIS STATED THAT 15 ARMY PATROLS WOULD BE SENT INTO THE VICINITY OF SUMAL TO SEARCH FOR BLAKE AND DAVIS.

25 APR 85 - DATT TALKED TO LTC SOLIS RE: UPDATE ON THE PATROLS - 15 PATROLS IN AREA - NO INFORMATION TO REPORT.

25 APR 85 - DATT SENT LETTER TO VICE CHIEF OF STAFF ASKING PERMISSION FOR BLAKE FAMILY TO TRAVEL TO MI #20 TO DISCUSS THE CASE WITH THE LOCAL MILITARY OFFICIALS - ALSO EMBASSY/CONSULAR OFFICER ACCOMPANIED.

25 APR 85 - LETTER FROM DATT TO CHIEF OF STAFF REQUESTING A COMPLETE SET OF 1:50,000 MAPS OF GUATEMALA.

26 APR 85 - APPROVAL GRANTED FOR TRIP BY EMBASSY OFFICIAL AND BLAKE FAMILY.

30 APR 85 - LETTER FROM AMBASSADOR TO CHIEF OF STAFF THANKING THE ARMY FOR ALL ASSISTANCE GRANTED TO THE EMBASSY AND BLAKE FAMILY.

2 MAY 85 - DATT CALLED LTC SOLIS TO INQUIRE ON BLAKE-DAVIS CASE - NEGATIVE INFORMATION

JUN 85 - DATT AND AMBASSADOR TRAVELLED TO MI #20 AND DISCUSSED BLAKE-DAVIS CASE WITH COL LIMA - NEGATIVE INFORMATION.

7 JUN 85 - DATT DISCUSSED BLAKE-DAVIS CASE WITH D-2 COL CARLOS DORANTES - NO INFO AVAILABLE. DORANTES STATED THAT MZ CDRS ALWAYS REPORT INCIDENTS INVOLVING FOREIGNERS TO THE D-2. MY REPORT WAS BASED ON INFO PROVIDED BY THE BLAKE FAMILY THAT THE INDIVIDUALS IN QUESTION HAD BEEN SEEN DEBARKING FROM AN ARMY HELO IN NEBAJ. I REVIEWED THE D-2 JOURNALS PERSONALLY AND FOUND NO SUCH REPORT.

DORANTES STATED THAT ANY INFO WOULD BE PASSED ON TO THE U.S. EMBASSY.

I EXPLAINED OUR CONCERN OVER THE CASE AND THE WELL-BEING OF INFORMANTS WORKING FOR THE BLAKE FAMILY. DORANTES ACCEPTED MY ADVICE AND STATED THAT THE ARMY WAS

BT
UNCLAS SECTION 02 OF 02 GUATEMALA GT 09808

SUBJECT. REQUEST FOR INFORMATION

REF: UR 112148Z SEP 87
ANXIOUS TO RESOLVE THE PROBLEM AND THAT NO HARM WOULD COME TO THE INFORMANTS.

7 NOV 85 - OUR SOURCES INDICATED THAT ONE ARMY HELO, #170, OPERATED IN THE AREA OF PLAYA GRANDE MZ #22 DURING THE PERIOD 2-11 APR 85. IT PROVIDED REGIONAL SUPPORT FOR MI'S #19, 20, AND 22. NO RECORD OF A LANDING IN NEBAJ. (PREVIOUSLY REPORTED BY BLAKE FAMILY INFORMANTS.)

10 NOV 85 - DATT, AMBASSADOR, CONSUL AND DCM MET WITH RANDY AND SAM BLAKE AND ASSISTANTS TO DISCUSS THE CASE PROVIDED AN OVERVIEW DEALING WITH EMBASSY EFFORTS TO DATE.

MAY OR JUN 86 - DATT MET WITH MR BLAKE, FATHER OF NICHOLAS BLAKE, AND DISCUSSED ACTIONS TAKEN BY GT ARMY. MR BLAKE THANKED THE DATT AND EMBASSY FOR EFFORTS. HE BELIEVED THAT THE EGP HAD KILLED HIS SON INDICATED NO HOPE FOR FINDING SON ALIVE OR RECOVERY OF BODY.

7 MAY 86 - DATT VISITED MI #20, NO INFORMATION AVAILABLE ON THE BLAKE-DAVIS CASE.

23 JUL 86 - AARMA VISITED MZ #20, NO INFORMATION AVAILABLE ON BLAKE-DAVIS CASE.

31 JUL 86 - MET WITH BLAKE FAMILY AND ADVISORS IN AMBASSADOR'S OFFICE - FAMILY CONVINCED THAT THE EGP HAD KILLED BLAKE-DAVIS - BLAKE FAMILY AND ADVISORS TRAVELLED TO QUICHE ON BOARD MILITARY HELO PROVIDED BY PRESIDENT CEREZO.

16 MAR 87 - AARMA VISITED MZ #20 ON ROUTINE LIAISON

DIA SPECIAL HANDLING REQUIRED

Copy to DR, I to DDI, 14 Sep 87 1835. LR

ACTION DIA/SPEC(8) (M,C)

MCN=87257/06266 TOR=87257/2303Z TAD=87257/2304Z CDSN=MIA759

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VISIT - NO INFO ON BLAKE-DAVIS CASE

20 MAY 87 - AARMA VISITED MZ #20 ON ROUTINE LIAISON
VISIT - NO INFO ON BLAKE-DAVIS CASE.

27 AUG 87 - AARMA VISITED MZ #20 ON ROUTINE LIAISON
VISIT - NO INFO ON BLAKE-DAVIS CASE.

9 SEP 87 - DATT AND AARMA VISITED MZ #20 ON ROUTINE
LIAISON VISIT - NO INFO ON BLAKE-DAVIS
CASE.

4. DAO WILL CONTINUE TO SUPPORT THE CONSUL GENERAL IN THIS ONGOING INVESTIGATION. THE MOST PROMISING LEAD APPEARS TO BE THE ONE MENTIONED IN PARA 2 ABOVE. WE WILL REPORT ANY DETAILS RESULTING FROM THIS LEAD. REGARDS. BT

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WILLIAM S. COHEN
MAINE

United States Senate
WASHINGTON, DC 20510

October 2, 1987

The Hon. George Pratt Shultz
Secretary of State
Washington, D.C. 20520

Dear Mr. Secretary:

I have had an active interest in the case of the missing Americans Nicholas Blake and Griffith Davis since shortly after their disappearance in the Guatemalan highlands in late March or early April 1985.

The State Department staff has been very helpful in meeting here on the Hill with our office and with members of the Blake family, and in keeping us informed of any developments.

Randy and Sam Blake, the brothers of Nicholas Blake, remain concerned with what level of activity was expended by the Embassy in Guatemala City since their brother's disappearance.

Because of the various contacts used by the Embassy and in much of the material being classified, it has been impossible for the Blakes to determine precisely what has been done.

Would it be possible for a copy of the Embassy file to be provided to the Senate Intelligence Committee to be reviewed by my staff person who holds a security clearance? This would be very helpful to us in explaining to Randy and Sam that every possible avenue has been explored in an effort to locate their brother.

I have also been in touch with the CIA and the DIA. The CIA does not have a file on this subject and the DIA has provided me with what information it could on what support services it lent the Embassy.

Thank you.

With best wishes, I am

Sincerely,

William S. Cohen
United States Senator

WSCsal



United States Department of State

Washington, D.C. 20520

Dear Senator Cohen:

The Secretary has asked that I respond to your recent letter inquiring into the possibility of having the Senate Intelligence Committee receive a copy of our Embassy's file regarding Nicholas Blake and Griffin Davis who disappeared in Guatemala in 1985. Mr. Michael Mahoney, Director of the Citizens Emergency Center in the Consular Affairs Bureau has spoken with Mr. Jim Dykstra of the Intelligence Committee staff about reviewing Department files. Mr. Dykstra is welcome to visit the Citizens Emergency Center for that purpose at his earliest convenience. He may call Mr. Mahoney at 647-9018 to set a time for the review.

As you may know, Randy Blake, Nick's brother, recently met with our newly appointed Ambassador to Guatemala Mr. James Michel, just prior to the Ambassador's departure for post. The Ambassador assured Mr. Blake that the Embassy will continue to pursue all avenues of inquiry in an effort to find out the fate of his brother and Griff Davis.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

J. Edward Fox

J. Edward Fox
Assistant Secretary
Legislative Affairs

The Honorable
William S. Cohen,
United States Senate.

Los Angeles Times Magazine
SEPTEMBER 8, 1991

FEATURES

THE DISAPPEARANCE OF JACK SHELTON
22

In 1981, on the last leg of his Mexican vacation, 28-year-old Jack Shelton went across the border to Guatemala on a tourist visa. He never returned. During the next 10 years, his parents discovered a country terrorized by civil war, where people languished in secret jails, where thousands were killed and buried in unmarked mass graves every year, where a search for a missing person quickly becomes the search for an identifiable body.

BY KEVIN MCKIERNAN

The Disappearance of Jack Shelton

"WHAT DO YOU DO WHEN YOUR CHILD DISAPpears in a foreign country?" Kathryn Shelton asks. ● The question has consumed her for a decade, the 10 years since she last saw her eldest son, Jack. Jack was brilliant and introspective, a man who'd graduated from college with honors in philosophy only to join the Marines when jobs were hard to come by. He may have realized quickly after he enlisted that this was his father's path, not his own, and after three uncomfortable years in the military and a few months in Europe as a tourist, he moved to San Francisco from his parents' quiet Knoxville, Tenn., neighborhood and began preparing for a trip to Mexico. He hoped that travel would help offset the "degrading" military experience--"You know," Kathryn says, "the group living and the fact his intelligence wasn't used to the fullest." ● She glances around Jack's bedroom, apparently much as he had left it in the spring of 1981. In a closet, his classical guitar sits next to a 3-foot-high stack of National Geographics. A bookshelf is filled with reminders of his studies—the collected works of Rabelais, the 16th-Century French satirist, a volume entitled "The Wisdom of China and India" and another called "The Wisdom of Israel." ● Kathryn stands at the desk, rearranging some Cub Scout derby cars. She's been calmly and steadily describing her son to me--his love of classical music, his track competitions, the way he didn't smoke or drink--but when her eyes light on a bundle of letters, she falls silent. ● Jack, at 28 a seasoned traveler, had been a systematic, faithful correspondent. His final letter, dated July 8, 1981, was one of three he'd written to Kathryn and his father, Curtis, in only two weeks. "I've picked up a few scraps of Spanish," he had printed in his all-capital-letters writing. "Enough for survival." He had been in southern Mexico touring Mayan Indian ruins, Jack wrote, and although he was running short of money, he hoped to visit one more ancient site in the Yucatán before returning to the States to look for work. ● Three days later, according to immigration logs, he crossed into Guatemala. His timing could hardly have been worse. Under the military regime of Fernando Romeo Lucas García—"the Saddam Hussein of Central America," in the words of a local missionary—Guatemala was in the midst of another violent purge. It was the latest bloodletting in 25 years of civil strife that Americas Watch estimates have left 100,000 dead and 40,000 missing. ● Jack's parents never heard from him again. ● During the next eight years, the search for a son became a search for a body. By early this year, it was simply a search for comfort. "You try to accept that it is over," says Kathryn, 60, a small woman with short, close-cropped hair and large glasses. "Then you see his handwriting, and it just melts you. You'll find out, if you ever lose someone. The most personal part of someone is their handwriting."

THE END OF JACK'S STEADY STREAM OF LETTERS WAS THE SHELTONS' FIRST clue that something was wrong. In August, 1981, when there had been no word from Jack in several weeks, Kathryn and Curtis were worried, but they had no idea where to turn. Four calls to the U.S. Embassy in Mexico proved unproductive. "They told us that when people get down in that climate, they tend to forget about time," Kathryn remembers. So Curtis, now 67, decided to go to Mexico to search for his son himself. ● Although he does not speak Spanish and hadn't traveled outside the United States since he was a Marine on Okinawa nearly 40 years before, Curtis took leave from his post as an agricultural engineering professor at the University of Tennessee and made his way to San Cristóbal de Las Casas in Mexico, the town where Jack's last letter had been postmarked. A bus station on the last leg of his trip was full of cargo, bustling with passengers and noisy with the rapid speech patterns of the unfamiliar culture. Curtis, dressed in the same brown wool military shirt he'd worn as a young Marine, was relieved when a longhaired stranger emerged, speaking English, offering assistance. But as quickly as the man appeared, he was gone. Curtis checked for his wallet and passport. They were gone, too. ● Curtis went home for new funds and credentials, returning two weeks later. When no one at the library or museum where Jack said he had studied in San Cristóbal recognized his

By Kevin McKiernan

The Search for Their Son Brought Kathryn and Curtis Shelton Face to Face With Guatemala's Everyday Horrors

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photograph, Curtis set off on a 10-hour bus ride to the Yucatán, to the Mayan ruins Jack had visited at Palenque. There, he searched out Americans, because they speak English and because he believed they would remember another American better. "I was beginning to see that to Mexicans, we all looked the same," Curtis says. But none of the Americans he met in Palenque remembered Jack. Curtis moved on.

Jack had mentioned in his last letter that he might go to Bonampak, a remote Mayan site in eastern Mexico noted for its colored hieroglyphics. Curtis' car got stuck several times on the way there, and he had to hike in the last five miles over terrain too rough for a vehicle. But when he arrived, the visitor book showed no entry for Jack, and no one in the area could identify him positively from the photograph. A Guatemalan woman seemed to remember a foreigner who looked like Jack standing on a street corner in an obscure village in northern Guatemala some time ago. But she couldn't provide any other information.

At that point, Curtis ran out of clues. So, after more investigation in the San Cristóbal area, he posted flyers with Jack's picture and returned to Tennessee.

Several more weeks passed without a word from Jack, and the family was distraught. Kathryn notified the Citizens Emergency Center, a branch of the U.S. State Department in Washington, that Jack was missing. The family appealed to members of Congress, including then-Sen. Howard M. Baker (R-Tenn.), Sen. Jim

The Shelton family in 1979: Barry, left, Kathryn, Jack and Curtis.



Sasser (D-Tenn.) and the late Rep. John J. Duncan (R-Tenn.), to pressure the State Department for information. In October, the State Department called with news: Immigration records had turned up Jack's name at La Mesilla, a small Guatemalan border post on the Pan American Highway, three hours south of San Cristóbal. Jack's name had appeared on the July 12 list of travelers who were headed south into the province of Huehuetenango.

Buoyed by the news, the Sheltons telephoned the State Department, asking officials for an on-site investigation in Huehuetenango and for the list of others who had crossed that day, hoping someone—perhaps another foreigner—might remember the tall, dark-haired boy from Tennessee. But the 1974 Privacy Act bars the release of any information from the State Department. And when the family approached American Express for information about where Jack cashed his traveler's checks, they were told that the same law kept those records secret, too.

Undeterred, the Sheltons launched a telephone and letter-writing campaign to push for an investigation of Jack's disappearance. They contacted almost two dozen organizations, including Amnesty International, Americas Watch and the World Council of Churches.

The strains of the search were showing on the family. Jack's brother, Barry, gave up a scholarship in plant and soil science at the University of Tennessee because he could not concentrate on his studies. And Kathryn, being treated for lupus, a painful arthritic condition that attacks the immune system, found that stress aggravated the disease. Easily fatigued, she nonetheless spent hours on the telephone each day while Curtis held down his job at the university. At night, her head ached from the constant pressure of the receiver against her ear.

But the work seemed to be paying off. In November, Baker's office in Washington said it was working to obtain the names of the July 12 travelers, and it succeeded in releasing the information from American Express. Jack's last check had been cashed in Mexico, in July. But $600 in unused checks was outstanding; no trace of the checks had turned up in Guatemala.

Kevin McKiernan is a photojournalist based in Santa Barbara; he is writing a screenplay about this story.

BY DECEMBER, THE SHELTONS WERE FRANTIC. BORDER CHECKS from Belize to Panama indicated that Jack had not left Guatemala, and his 30-day visa, which had expired on Aug. 11, had not been turned in. If Jack had been in an accident, if he had been killed in Guatemala, wouldn't his body have shown up by now? If he were alive, wouldn't someone have responded to the flyers? The Sheltons paid $7,000 to a British mercenary to hunt for Jack, but he found nothing.

Curtis wanted to go to Huehuetenango to resume his search, but U.S. officials dissuaded him from making the trip. Leftist guerrillas were actively fighting the Guatemalan dictatorship, which was supported by $3 million in annual U.S. military aid and $90 million in economic assistance. (In December, 1990, the military aid was suspended because of human-rights violations.) In 1981, with reprisals on both sides, corpses showed up regularly on roads and streets; death squads seemed to be everywhere. Travel on the Pan American Highway between Guatemala City and Huehuetenango, five hours to the north, could be dangerous. So Curtis canceled his trip. "I'm the kind of person who goes along with authority," he says. "I thought they knew—or ought to have known—more than we did."

The Sheltons instead placed ads in four national newspapers in Guatemala and Belize. The advertisements in the "missing" section carried photographs of Jack—including one modified by an artist to show him with long hair—his passport number and a description of him as 6 feet, 2 inches and 145 pounds. The ads began appearing on Christmas Eve, 1981.

All spring, the family received responses to the ads, which later were amended to include a reward for information. The Sheltons hired a translator in Knoxville to sift out the clues that seemed promising. And Curtis flew to Guatemala City.

At the U.S. Embassy in Guatemala, an official expressed his belief that Jack had been killed by guerrillas, but there was no supporting evidence.

After tracking down more dead-end leads in Guatemala, Curtis received a report that a "gringo youth" had been found barely alive in a park in Tuxtla Gutiérrez, the capital of the state of Chiapas in Mexico. Curtis flew to that city, north of San Cristóbal de Las Casas, where the search had begun the previous summer.

The North American in the park was emaciated, unconscious and showed signs of "dreadful" maltreatment. Curtis speculated that the boy had been "drugged and in jail" before he arrived in the park, but he was "too far gone" for Curtis to determine whether he was Jack. The man died the next day. Two weeks later, an FBI fingerprint analysis indicated that the young man was, in fact, an American. But he was not Jack Shelton.

THE GUATEMALAN GOVERNMENT FINALLY RELEASED THE NAMES of the 22 people who entered Guatemala on the Pan American Highway on July 12, 1981. But by then it was October, 1982. A year had passed since the Sheltons first telephoned the State Department to pressure Guatemala for the list. The trail had grown cold.

In December, Baker received a letter from Guatemalan Ambassador Jorge L. Zelaya. At long last there appeared to be some real news—an official response from the government, the conclusion of an inquiry commissioned by the Guatemalan

It was clear that parts of Jack's life would always be a mystery.

National Police into Jack's disappearance.

Emphasizing "the seriousness with which my government viewed this matter, and the thoroughness with which the investigation was conducted," Zelaya informed Baker that "Mr. Shelton does not appear to have ever been in the country."

"Not ever in the country!" The Sheltons were traumatized. "We were looking for our son in a country that said he didn't exist there," Kathryn says.

As the months passed, the Sheltons clung to the hope that somehow Jack had survived. In March, 1983, they placed more reward advertisements with Jack's picture in Mexican and Guatemalan papers. In June, there was a breakthrough.

The consul general of the U.S. Embassy in Guatemala City, Philip Bates Taylor, finally traveled to Huehuetenango and checked the immigration logs at the border. He immediately found Jack's name and those of the other travelers who crossed on July 12, 1981. Then he backtracked to the provincial capital, taking lunch at the main hotel on the city square. Afterward, he reviewed the hotel's guest registry. Finding nothing there for the date in question, he walked across the street to the El Central, a low-income hotel where the bus from the border stopped. As Taylor recalled later, the hotel manager removed a "dust-covered book" from the shelf in his office. Turning to July 12, 1981, 23 months before, Taylor read the name *Jack Shelton.*

August brought more clues and disturbing notes: A body was exhumed in Huehuetenango, and its dental X-rays were compared to Jack's, but they didn't match. A kidnap victim wrote to the family from Guatemala City, saying that he had just escaped from a prison cell set up at a military academy, where "heavily armed men" were holding three others, including one who matched Jack's photo.

Similar letters from others had convinced the Sheltons that Jack was a captive. "You cannot imagine the anguish my family continues to suffer after two years," Barry wrote in a letter to a dozen U.S. officials.

THE FAMILY CONTINUED MAKING CONTACTS, ACQUAINTANCES AND friends ("God's network," Kathryn calls it) in the search for Jack. In July, 1984, Curtis made one more trip to Guatemala. At that time, I joined the search, along with two others: a district attorney from Oregon who is active in assisting Guatemalan refugees and an Episcopal priest from Palo Alto, who has a number of contacts in Guatemala. This time, Curtis did not notify the State Department he was going, nor did he share the information that drove this search: a packet of recent responses to the still-running ads.

One writer claimed to have seen Jack playing with a dog in Guatemala City. "He told me that his name was Shelton." Another remembered seeing a North American man and a Spanish woman near Lake Atitlán. They had been captured by the Guatemalan army and, he vaguely recalled, executed.

We sifted through the clues. The strongest of them led Curtis and me to a neighborhood in Guatemala City where numerous residents, independent of one another, recognized Jack's picture and identified him as a local street person. We set up a stakeout at an intersection where the foreigner was known to pass. During the next two days, a Chevrolet Silverado with blackened windows and no license plates—the type of vehicle associated with Guatemalan death squads—appeared and reappeared near our parked rental car. "It kind of makes you wonder where our taxes go," Curtis said quietly.

When the stranger finally showed up, he was not Jack after all, although his size,

Curtis handed out flyers with Jack's description in Guatemala.



hair coloring and physique were similar. His father was American, he related in broken English. The rest of his story as a homeless expatriate trailed off, confused by drugs or amnesia or perhaps both.

Curtis journeyed to Lake Atitlán. It was the Fourth of July, and tourists in the town of Panajachel—*"Gringotenango"* in the words of one resident—were shooting off fireworks. A waiter there thought he remembered seeing someone who looked like Jack, "but that was years ago."

BUT CURTIS WAS EAGER TO GO NORTH TO THE SECURITY PRISON IN THE city of Quezaltenango. Kathryn had received two calls from Chicago from a woman who had just returned from Guatemala City, where she had seen the ad. At the time, she told Kathryn, she mentioned Jack's disappearance to her son, a Guatemalan soldier. According to the caller, her son responded, "No, Mama, he is not missing. He has been kidnaped by the military service and is held in prison." If this claim was true, Jack could still be alive.

The woman told the Sheltons that she and her son went to the security prison in Quezaltenango, where they saw Jack in a "sub-basement" so dark they "had to use candles to see." Nine people were being held in the area, she said. Jack was "tall, thin, wearing old clothes," and he kept asking why "no one had come for [him]." "I told him," the woman related to Kathryn, "that I would contact his parents."

In Quezaltenango, the California priest planned to use his connections with a Guatemalan friend who was related to an army officer to obtain permission for our group to enter the prison. But en route, an astonishing coincidence occurred when we stopped on a rural highway to pick up a Mayan hitchhiker. Without knowing Jack's story, the Indian picked him out from a family photo, positive he'd seen Jack the year before—though with longer hair—in the Quezaltenango prison when he visited his brother, who was serving time for assault. It was an improbable clue from an improbable source. Curtis was clearly agitated.

But no "sub-basement" could be found at the prison. And after we made a futile tour of the compound, the guards told us it was time to go. Curtis and the priest lingered, calling to Jack in English through the bars of locked cellblocks. At one point, Curtis could see only the midsection of one prisoner, someone who was seated at the end of a locked corridor. The prisoner appeared to be weaving something, perhaps a bag, but his face was out of sight. "That arm seems whiter than the rest of these people!" Curtis exclaimed nervously. Then the man stood up and turned around, bewildered by the North Americans jockeying for a better view at the opposite end of the corridor. He was a Latino.

We drove north to Huehuetenango, where Curtis readily located Jack's name, his signature and handwriting in the registry at the El Central Hotel.

Of all the guests listed for July 12, 1981, only one remembered Jack. Interviewed in Mexico, Antonio Guillen Barrios, a schoolteacher, claimed that he had spent part of that evening in the bar of the El Central Hotel drinking with Jack and a young "South American woman." Jack had introduced her as "his wife," but Barrios thought at the time that she was a prostitute. They each had three Gallos (Guatemalan beers), he said, holding up three fingers. Jack bought two rounds. Then the couple left for a hotel room.

Barrios, who remembered Jack Ross Shelton as "Russell" and correctly recalled his room number despite the passage of three years, said he went to Jack's room about 1 a.m. and knocked on the door. The woman stayed inside, but Jack slipped out into the hallway, where he shared "a couple of drinks" from Barrios' bottle of Mexican vodka. Jack mentioned that he was "from San Francisco." In the morning, Barrios said, he saw the couple once more. The woman said the two were on their way to Panajachel and Lake Atitlán, several hours away.

Throughout the telling of the schoolteacher's story, Curtis leaned forward, arms folded, hanging on every detail. At the mention of the mysterious woman in the El Central Hotel, his fingers dug into his biceps. "It doesn't sound like Jack," he said quietly.

Curtis said he wanted to spend one night in the room where Jack had stayed three years before, "in case there are messages or markings still on the wall." But it was time to go.

FOR THE FAMILY, WRITING LETTERS BECAME A WAY OF LIFE THAT persisted even when hope did not. In early 1985, they again wrote Amnesty International, urging the group not to forget Jack's disappearance. Barry Shelton found the uncertainty unbearable, "almost like having Jack die over and over again."

"We searched and searched for him," Barry says. "The irony is that Jack was the one who was the searcher—his whole life was a search."

Barry, 33, is four years younger than Jack, and almost one-third of his life has been devoted to finding his brother. He is not a tall man, but he stoops a little, almost as if to avoid a weight the world has put on his shoulders.

Barry remembers Jack as a big brother who gently gave him advice, like how to use rubber cement to repair his tennis shoes, and who "reached out his hand and pulled me up" when Barry lost his footing alongside a cable car in San Francisco.

At home, Barry says, Jack was "like a saltwater fish in fresh water." He didn't fit in. Jack loved his family, but he didn't want to cultivate the family vegetable garden (he didn't like the "work ethic"). He didn't like it when his father tried to switch the car radio from a station that was playing a song in a foreign language, and when he was a teen-ager, he started resisting Curtis' haircuts. But most of all, he didn't like

'First Jack was the black sheep. Then he was the lost sheep.'

Knoxville. It was the wrong environment, "a conflict of aesthetics," in Barry's words, "like suburbia versus a Mayan temple. It was like Jack had been dropped into the wrong place on Earth."

"First he was the black sheep," Barry says warmly. "Then he was the lost sheep."

The last of Jack's Knoxville friends known to have seen him alive was Mark Johnson, a former neighbor, who had left Tennessee to join the Merchant Marines. He had been on ship's liberty in the Bay Area in the late '70s when he and Jack met by chance in a Berkeley bookstore. Thereafter, whenever Johnson was in port, "[we] would pal around together." When he heard that Jack had disappeared, it first occurred to Johnson that "he might have thrown in with the rebels" or perhaps "he got to drinking with some students in a cafe where the army had stool pigeons, and then the military got him." Johnson thinks Jack may have kept part of himself from his family, not telling them that he went to bars. "Jack was close to his family," Johnson says. "He didn't want to hurt them."

IN JULY, 1988, THERE WAS AN ASTONISHING DEVELOPMENT IN THE case.

On his last day in Guatemala, Dr. Michael Brabeck, a Rhode Island physician finishing his annual volunteer work near Panajachel, overheard a conversation about a gringo who'd been killed some time ago by a death squad in the neighboring town of Sololá. The speaker, an American who has lived in Guatemala for more than a decade, had been afraid to report the murder, though he guessed it "probably involves that family from Tennessee," the one advertising in the newspapers.

As soon as Brabeck landed at a U.S. airport the next day, he telephoned me in Santa Barbara (by coincidence, we had attended high school together in the 1960s; we had remained in touch, and he knew of my involvement in the Shelions' search). I left for Guatemala several days later without telling the Shelions. They'd been disappointed too many times over the years, and I didn't want to falsely raise their hopes again. But in Sololá, I learned this story, which was then more than seven years old:

FRIDAY IS MARKET DAY IN SOLOLÁ, A SMALL TOWN NESTLED ON A mountainside plateau. On Nov. 27, 1981, Indian traders, descendants of the Mayans, filtered into town to sell their rugs, clothing, vegetables and coffee beans. Dressed in *trajes*, traditional clothing with intricate woven patterns, the walkers moved slowly along the edge of the main roadway that winds steeply through the mountains.

Teresa Hernandez and her 8-year-old daughter made their way to the market with the two *platos* of beans and rice that they hoped to sell that day. As they walked a dirt side street that leads from the main road to the village square, Teresa heard a noise and looked up with a gasp. Coming toward them was a naked man, a gringo. He was running from house to house, knocking on doors, trying the locks, looking for one that would open. Down the street, someone yelled "Loco! Loco!" Teresa's daughter put down her *plato* of food and hid behind a tree.

Teresa froze. As the runner passed by, their eyes met for a split second. She thought she heard some words in English. "He was white," she remembers. "Very white."

Just beyond her, the man reached an old shack. The last thing Teresa saw through the open door was the naked man by a pile of old clothes, pulling on a pair of cotton pants and tying them with a cloth belt.

Around the corner, in a dirt-floor house overlooking the lake, Emilio Martin was

Curtis and Kathryn at their monument to Jack in the Sololá cemetery.



feeding breakfast to his school-age children. When he answered a knock at the door, he saw bare feet under the crack and opened the latch, assuming that the caller was someone he knew. "That's when the tall gringo came in," Martín says. The stranger wore a pair of pants that were too short for him. He had fresh scrapes and scratches over his back and on his lower legs. His Adam's apple was large.

The man looked hot and indicated in broken Spanish that he was thirsty, so Martín gave him a glass of water. The visitor shook hands with the children in the room, patting some of them on the head. He seemed friendlier than the foreigners who congregated down at the lake, but, judging from his condition and the overall strangeness of the encounter, Martín thought, he, like many tourists, might be under the influence of drugs.

Suddenly, there was banging at the door. When Martín opened it, he saw two uniformed men armed with rifles. One was from the Policía Hacienda, the feared Treasury Police. He wore the force's distinctive green fatigues and a hat with chin strap, and he carried a U.S.-made M-1 carbine. The other man wore the helmet assigned to BROF (Brigada de Operaciones Especiales), strongman Lucas' notorious anti-riot police unit. He, too, carried a weapon, but Martín could not remember what kind.

"Send him out," they ordered.

Martín hesitated. "I have children—you can't kill him here," he said bluntly.

At this, one of the men pointed his rifle at Martín. "We'll kill *you* if you get in our way," he said.

Martín stepped away from the pointed gun. Then, inexplicably, the men moved back across the street. Martín closed the door.

The visitor noticed a copy of the Bible lying on a table. He picked it up and walked over to Martín. "*Bueno, bueno,*" he said, placing his palm on the book's cover. "*Bueno,*" Martín repeated, touching the Bible. For a few moments, they stood there together. Then the man handed the Bible to Martín. Opening the door, the gringo walked outside.

When the uniformed men saw the foreigner, they raised their rifles and started toward him. The gringo, Martín now noticed, was hiding something in his hand. The men stopped, afraid he was concealing a weapon, perhaps a grenade. Suddenly he hurled the object in their direction. It hit one of their boots, but there was no explosion; it was just an old lemon. Then the men came at him again, grabbing him by the arms. But the gringo resisted, and he managed to break away.

The gringo was running again, toward the lip of the hill that dropped down to the lake below. The gunmen followed, racing by Martín's house, disappearing into a nearby cornfield. Moments later, there were gunshots.

Before long, the soldiers returned. As they passed the house, one of them said to Martín: "Watch out. We are going to exterminate every one of the *pulgas* [fleas] in this town."

IN SOLOLÁ, AS IN MANY VILLAGES IN GUATEMALA, THE JOB OF picking up corpses falls to the *bomberos*, the firemen. Sololá *bombero* Pedro Ajiquichi, by his own estimate, has picked up "about 3,000 bodies" during the past 10 years. He was matter-of-fact, not often dwelling on individual cases, but Jack's was particularly unforgettable.

"*¡El gringo que iba corriendo!*" Yes, of course, he remembered the gringo who was running. Everyone knew about the gringo, he said when he was shown Jack's photo. Before that day in late November, 1981, no one had seen the man around. But today he is well remembered.

The gringo appeared after the guerrillas came through Sololá, busy days for the *bomberos*. Ajiquichi got word of a body soon after the shooting, but then there had been a mix-up. Coming up the street in his fire-department pickup, he had spotted another body by the roadside, and he had collected it instead. Three days later, when he returned to the area, he found Jack's corpse in the cornfield.

The coroner's report said the deceased was an unknown male, between 25 and 30 years of age, dressed in gray pants fastened by a "typical" cord. He had brown eyes, an angular face with several days' growth of beard and a long "Afro" hairstyle. He had been shot twice in the abdomen and once in the back of the head.

"They were bringing a lot of bodies in those days," said Domingo Bixul, a worker at the Sololá hospital, identifying Jack's photo. "But he was different." Bixul's job was to wrap the bodies of the unclaimed victims—the "XXs," or unknowns—with blue plastic sheeting, tying each with rope, like a bundle, before loading it on the back of the truck to haul to the cemetery.

The plastic was pre-cut to a standard length, a problem for Bixul because Jack was, by Mayan standards, a tall man. "I remember him," Bixul said. "We had to use more plastic."

IN OCTOBER OF 1988, AFTER OBTAINING JACK'S DEATH CERTIFICATE and speaking once more with Teresa Hernandez and Emilio Martín, I finally was able to write to Curtis and Kathryn and tell them how their son died. Kathryn called me on the telephone, hurt and confused, even angry at new information. "We had tried to heal up," she said later, "even without knowing the truth. When this happened, we didn't know if we could go through it again."

In 1989, all that remained of their quest was to bring Jack's body home. Kathryn and Curtis hired a lawyer in Guatemala to ask a court to order the body exhumed. But

Over the years, the Sheltons spent $75,000 searching for Jack.

the judge estimated that there were 300 to 400 death-squad victims in the cemetery, and there was no record indicating which of several trenches contained Jack's remains. Exhuming them would be a gruesome project requiring the presence of the police, the health department and the judge herself; the judge said no.

But the Sheltons made one more attempt. Because I used to be an attorney, they asked me to go to the Guatemalan court to appeal the judge's decision. Just before the trip, Kathryn telephoned. "There are some things that weren't in the ad that you ought to know for purposes of confirmation," she said. "Jack had very long, very thin fingers—and he had a big Adam's apple." The use of the word *had* was a shock. For the first time, she was referring to Jack in the past tense.

I departed for Guatemala, accompanied by Rogelio Trujillo, a Mexican gardener in Santa Barbara who would help with translation. The judge listened to us—and reversed herself. If the father of the boy would come from Tennessee to sign the request, she would grant the order.

It was a condition that alarmed Kathryn. Jack never came back from Sololá, and she feared that Curtis might not either. The search was important, but they must not be dragged under by it. Shouldn't they draw the line at their own survival? "Curtis is going to retire next year, and I am going to need him," Kathryn said. "I want something left in my life."

But Curtis had to know more.

AT THE EDGE OF SOLOLÁ, THE ROAD THAT SNAKES UP THE MOUNtain crosses a flat plateau that overlooks a steep, brush-covered ravine several hundred feet deep. Midway down this stretch of road is a guard post—no more than a small shack—where municipal police monitor foot traffic and record bus numbers and sometimes license-plate numbers of automobiles.

"I figure they had Jack here," Curtis said, driving by for the second time. "Maybe they were transferring him from one jail to another—maybe they had drugged him—and they stopped to check with the guard. Anybody falling down that ravine would get pretty scratched up on the way down."

Curtis had just come from the cemetery, which sits on the far side of the ravine, and from the homes of Teresa Hernandez and Emilio Martín. "I have to give Jack the benefit of the doubt," Curtis continued. Part of the pain of this search had become his realization that there were aspects of Jack he might never know. "I'm not going to think he was on drugs. Not voluntarily. He could have been. I'm not ruling it out. But it doesn't account for his whereabouts those last four months. Without any money. Out of respect for him, I think he was naked and running here because he'd been in captivity."

At Flipper's Cantina, Curtis was having a Coke with us; we were drinking Guatemalan beer. Nearby, several policemen in uniforms gathered at a table littered with empty bottles of

"...corn liquor, the kind that sells locally for about 40 cents a pint. They were Policia Hacienda—Treasury Police—just like one of the men who went that day to the home of Emilio Martin. When Curtis had met Martin the day before, Martin described this uniform: the green military cut, the U.S. Army boots, belt and canteen, the chin-strapped hats that are worn cocked a little to one side. Now Curtis saw the men in person. Could one of them be the killer?

The Policia Hacienda got up to leave, lurching by the father of Jack Ross Shelton, swaggering from the bar with the bravado of armed, intoxicated men. Curtis was trembling. "I don't understand a police officer who drinks," he managed to say. "How can he have any respect for himself?"

The next night, Curtis and his companions met the cemetery director at Flipper's. *"¡Machete caído, Indio muerto!"* the old Guatemalan exclaimed with a drunken laugh, turning another empty bottle on its side. Machete down, Indian dead. If the gringos wanted more information, now was the time to buy the cemetery director another round. The gringos complied, and the graveyard man described the formidable task that lay ahead.

There were two trenches and many bodies underneath. Graveyard space in Sololá had been at a premium in recent years. That could be a problem. Some townspeople had had to bury their kinfolk on *top* of the XXs' trenches. Disturbing the dead—these dead—could upset the village. But even if the trenches underneath could be unearthed, there was still no system for locating specific corpses, not even tags or dates on the plastic sheets. It all could have to be done by hand.

The excavation would be massive. Bodies stink terribly. Everyone would need a face mask. Some people would get sick. Eight or 10 gravediggers should be hired. That wouldn't cost much, maybe a little more if they brought their own shovels or picks. There should be two teams—one to dig and one to drink. That was a lot of corn liquor. There was no other way to handle it.

During the search, there would be bones "everywhere." Some of them might get mixed up. The gringo's bones should be longer than the others. But it could still be a lot of work.

¡Machete caído, Indio muerto!

MANY PEOPLE IN SOLOLÁ HAD seen Jack's "missing" flyers: a local official, an attorney, the American whose conversation Brabeck had overheard, all admitted they thought the murdered gringo was Jack Shelton, but none had tried to contact the Sheltons. "I guess we just got an immunity from our feelings," the American said. Curtis just shook his head.

Curtis, Trujillo and I spent the afternoon in the graveyard, measuring the areas where the cemetery director thought the bodies were buried.

Notebook in hand, Curtis paced back and forth, examining the soil, figuring and refiguring distances. About a dozen wooden crosses marked the rocky, weed-covered ground, the sites where shallow burials of known *Sololatecos* took place on top of the trenches. The prospect of opening these graves made the thought of getting to the others, the ones below, even more odious.

Curtis had a short, restless night, and he awakened while it was still dark. "What happens to a body that lies in the sun for three days?" he wanted to know. "Were there *two* or *three* bullet holes?" It was like a bad dream. And there were other thoughts, too. Curtis turned on the light to get something out of his suitcase. It was an old Father's Day card, one that he had carried with him from home. Jack had made the card as a youngster for his daddy. There was very little writing on it: "I'm sorry I fussed about the haircut," it said simply. "Love, Jack."

Just after dawn, Curtis was seated in the darkened lobby of the hotel, alone. Wearing the old Marine shirt, he was studying his little notebook, trying to resolve any contradictions, wringing whatever meaning he could from the last few details of the search. Now he made the decision: *There will be no digging.* "It weighs heavy on me," he said, "to go in there and disturb the dead." As simple as that. Jack's remains would stay in Guatemala. With the other victims.

Before leaving the country, Curtis wanted a photograph taken of Teresa Hernandez and then one of himself with Teresa, for Kathryn. Afterward, Teresa embraced him like a relative. The goodby was a long one. Nearby, at Emilio Martin's house, the stop was shorter. Martin was sick in bed. No more details about Jack's visit or the death squad. This was just for thanksgiving.

But in Martin's simple home, Curtis produced one more photo of Jack, a picture Martin had never seen. Emilio remarked on the prominence, in the photograph, of Jack's Adam's apple and how this stirred his memory of the barefoot visitor who came to his door so many years ago. Curtis, standing there in his home, resembled that young man, Martin said.

Curtis wanted to hold the Bible that his son held that day. As it was brought to him, Martin sat up in bed. "It is for you, this Bible is *yours*," Martin said. Curtis was trembling, almost twitching. Now he placed one palm on the book's cover. "And Jesus said," he blurted out, looking to Rogelio Trujillo for translation, " 'I was a stranger, and you took me into your home!' " A long and difficult silence followed. Trujillo was crying and could not translate.

LAST NOVEMBER, NINE years to the day after the murder, Jack Shelton's mother and father went to make peace with his memory, arranging a funeral service at the cemetery at Sololá, where they had hired a local contractor to build a large but simple monument set with native stones and flanked by concrete benches. The monument overlooks Lake Atitlán, often called the jewel of Central America. But these western highlands of Guatemala have been—and still are—the scene of gruesome murders, rotting corpses and quiet funerals.

The ceremony at this monument, raised in memory of both Jack and Guatemala's other disappeared, was a remarkable proceeding: Guatemala is hardly ready for a public admission of government murder, certainly not one cast in stone. It was, Americas Watch representative Ann Manuel said later, as though someone had raised a "public memorial to Nazi victims while the Third Reich was still in power."

Noting that they were standing above the bodies of death-squad victims, one of the mourners talked about the "cursed beauty" of Guatemala. Then Brabeck's 12-year-old daughter, Kalina, read a prayer she had written. "Dear God," she said, "please bless the Sheltons. Thank you for giving them courage and strength. Finally, help Guatemala. Help Guatemala to be at peace."

A large marble tablet at the monument at Jack Shelton's epitaph, written by his family, is inscribed there in Spanish:

Dedicated to the glory of God
And to the memory of the hundreds
Who disappeared in Solola
In the dark days of 1981
The stones represent their eternal lives
And the warrior represents the common
Bond of their loved ones

Given by his parents in the memory of
JACK ROSS SHELTON
November 22, 1953—
November 27, 1981

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MESSAGE: Following is Allan Nairn's Nation article, published today, disclosing further details about U.S. intelligence participation in the Guatemalan military's terror activities.

We think it should be of interest to Committee members and staff in light of next week's hearings on the issue.

Please feel free to call with any questions.

Sincerely,

Jonathan Taylor
Publicity Director

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THE NATION MAGAZINE REVEALS DRAMATIC NEW EVIDENCE OF CIA ROLE IN GUATEMALAN DEATH SQUAD ACTIVITY

Report Names US Intelligence Operatives Who Helped Train, Advise and Arm Elite Guatemalan Killing Unit; More Guatemalan Officials On CIA Payroll Linked To Killings

New York, March 31, 1995 - In the wake of official acknowledgment of a CIA assets involvement in the killing of an American citizen and a former Guatemalan rebel leader stunning new revelations about links between US intelligence operatives and Guatemalan death squads are revealed in the April 17th issue of the NATION Magazine, published today. In a series of in-depth interviews with US and Guatemalan intelligence operatives as well as three past Guatemalan heads of state, award-winning NATION contributor Allan Nairn details the CIA's role in directing and advising the notorious Guatemalan G-2 and its affiliate, the Archivo.

Based on his investigations Nairn reveals the following:

* North American intelligence operatives -- two of whom are named -- Randy Capister and Joe Jacarino worked who out of the US embassy helped to train, advise, arm and equip the G-2 Guatemalan Army intelligence unit.

* The article identifies three recent G-2 directors who were paid by the US: General Edgar Godoy Gaitan, linked to the assassination of a famous Guatemalan anthropologist; General Otto Perez Molina, whose men were implicated in the murder of a judge; and Col. Francisco Ortega Menaldo who headed the G-2 during a series of assassinations of students, peasants and human rights activists. Ortega Menaldo is currently based in Washington, D.C. at the Pentagon-backed Inter-American Defense Board

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* Former Guatemalan Defense Minister and current presidental candidate Hector Gramajo, ran and supervised G-2 when army agents kidnapped, raped and tortured American nun Dianna Ortiz during a series of assassinations of students, peasants, and human rights activists. He was also on the payroll of the CIA.

* Former Archivo Chief, General Roberto Matta Galvez, who commanded massacres in the El Quiche deparment, was also on the payroll of the CIA.

* Three former Guatemalan heads of state paint a consistent picture of CIA relations with G-2. Oscar Humberto Mejia Victores told Nairn of the CIA role in founding the death squads and in approving massacres and carrying out assassinations. Former Presidents Efrain Rios Montt and civilian President Vinicio Cerezo discussed the presence of the CIA in G-2.

* In a March 28th interview with Nairn, Col. Alpires spoke at length on the close cooperation and assistance the CIA gave G-2 including training, advice, political strategy, and technical assistance.

* Independently Nairn has discovered that G-2 was paid and supervised in the 1980's by CIA station chief, Jack McCavitt and that the technical assistance alluded to by Alpires included computer and communications equipment, special weapons and the extensive use of CIA helicopters.

Award-winning journalist Allan Nairn, has written extensively on Guatemala and its military since 1980. Last fall in The Nation he broke the story on U.S. intelligence collaboration with Haiti's FRAPH. For interviews and further information and interviews with Nairn please contact David Lerner at Riptide Communications, Inc. or Jonathan Taylor at the Nation Magazine, (212) 242-8400 or (212) 242-8180

-30-

April 17, 1995 The Nation since 1865. 511

CONTENTS.

Volume 260, Number 15

EXCHANGE

510 *George Kountouris*
Michelangelo Signorile, Greg Scott
Gabriel Rotello, Lawrence D. Mass, M.D.
Jay Blotcher, David L. Kirp

EDITORIALS

509 Rallying to Education
511 C.I.A. Death Squad — *Allan Nairn*
513 Silent Racism — *Valerie Burgher*
514 Clinton & Co.: Calls of the Wild — *David Corn*

COLUMNS

514 The Bigs — *Calvin Trillin*
515 Beat the Devil — *Alexander Cockburn*

ARTICLES

517 Politics for Profit:
The Rich Rise of Lamar Alexander — *Doug Ireland*
522 Mrs. Contemplacion's Sisters:
The Philippines' Shameful Export — *Minotchka Rosca*
527 The World Turns Away:
Who Cares Who's Killing Chechnya? — *Anna Cataldi*

BOOKS & THE ARTS

531 The Sound and the Furet — *Daniel Singer*
534 Black Dance: Revelations — *Lynn Garafola*
539 Music Note — *Gene Santoro*
540 First Formal (poem) — *Sharon Olds*

Illustrations by Paul Marcus

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EDITORIALS.

C.I.A. Death Squad

The U.S. government has systematic links to Guatemalan Army death squad operations that go far beyond the disclosures that have recently shaken official Washington. The news that the C.I.A. employed a Guatemalan colonel who reportedly ordered two murders has been greeted with professions of shock and outrage. But in fact the story goes much deeper, as U.S. officials well know.

North American C.I.A. operatives work inside a Guatemalan Army unit that maintains a network of torture centers and has killed thousands of Guatemalan civilians. The G-2, headquartered on the fourth floor of the Guatemalan National Palace, has, since at least the 1960s, been advised, trained, armed and equipped by U.S. undercover agents. Working out of the U.S. Embassy and living in safehouses and hotels, these agents work through an elite group of Guatemalan officers who are secretly paid by the C.I.A. and who have been implicated personally in numerous political crimes and assassinations.

This secret G-2/C.I.A. collaboration has been described by Guatemalan and U.S. operatives and confirmed, in various aspects, by three former Guatemalan heads of state. These accounts also mesh with that given in a March 28 interview by Col. Julio Roberto Alpírez, the C.I.A.-paid Guatemalan G-2 officer who has been implicated in the murders of Guatemalan guerrilla leader Efraín Bámaca Velásquez and a U.S. citizen, Michael DeVine.

One of the American agents who works with the G-2, a thin blond man in his 40s who goes by the name of Randy Capister, has been involved in similar operations with the army of

neighboring El Salvador. Another, a weapons expert known as Joe Jacarino, has operated throughout the Caribbean, and has accompanied G-2 units on missions into rural zones.

Jacarino's presence in the embassy was confirmed by David Wright, a former embassy intelligence employee who called Jacarino a "military liaison." Col. George Hooker, the U.S. Defense Intelligence Agency chief in Guatemala from 1985 to 1989, says he also knew Jacarino, though he says Jacarino was not with the D.I.A. When asked whether Jacarino was with the C.I.A. he replied, "I'm not at liberty to say."

Celerino Castillo, a former agent for the Drug Enforcement Administration who dealt with the G-2 and the C.I.A. in Guatemala, says he worked with Capister as well as with Jacarino. He showed photographs of himself and Capister at embassy events and in the field. Guatemalan sources say Capister meets regularly with Guatemalan Army chiefs. He has been seen in meetings in Guatemala City as recently as the spring of 1994.

When I reached Colonel Alpírez at the La Aurora base in Guatemala, he denied all involvement in the deaths of Bámaca and DeVine and said he was never paid by the C.I.A. But he discussed at length how the agency advises and helps run the G-2. He praised the C.I.A. for "professionalism" and close rapport with Guatemalan officers. He said that agency operatives often come to Guatemala on temporary duty, during which they train G-2 men and provide "advice and technical assistance." He described attending C.I.A. sessions at G-2 bases on "contra-subversion" tactics and "how to manage the factors of power" to "fortify democracy." He said the C.I.A. men were on call to respond to G-2 questions, and that the G-2 often consulted the agency on how to deal with "political problems." Alpírez said he was not authorized to give specifics on the technical assistance, nor would he name the North Americans the G-2 worked with, though he said they were "very good friends."

Other officials, though, say that at least during the mid-1980s G-2 officers were paid by Jack McCavitt, then C.I.A. station chief, and that the "technical assistance" includes communications gear, computers and special firearms, as well as collaborative use of C.I.A.-owned helicopters that are flown out of the Piper hangar at the La Aurora civilian airport and from a separate U.S. air facility.

Through what Amnesty International has called "a government program of political murder," the Guatemalan Army has, since 1978, killed more than 110,000 civilians. The G-2 and a smaller, affiliated unit called the Archivo have long been openly known in Guatemala as the brain of the terror state. With a contingent of more than 2,000 agents and with subunits in the local army bases, the G-2—under orders of the army high command—coordinates the torture, assassination and disappearance of dissidents.

"If the G-2 wants to kill you, they kill you," former army Chief of Staff Gen. Benedicto Lucas García once said. "They send one of their trucks with a hit squad and that's it." Current and former G-2 agents describe a program of surveillance backed by a web of torture centers and clandestine body dumps. In 1986, then-army Chief of Staff Gen. Héctor Gramajo Morales, a U.S. protégé, said that the G-2 maintains files on and watches "anyone who is an opponent of the Guatemalan state in any realm." A former G-2 agent says that the base he worked at in Huehuetenango maintained its own crematorium and "processed" abductees by chopping off limbs, singeing flesh and administering electric shocks.

At least three of the recent G-2 chiefs have been paid by the C.I.A., according to U.S. and Guatemalan intelligence sources. One of them, Gen. Edgar Godoy Gaitán, a former army Chief of Staff, has been accused in court by the victim's family of being one of the prime "intellectual authors" of the 1990 murder of the noted Guatemalan anthropologist Myrna Mack Chang [see Victor Perera, "Where Is Justice in Guatemala?" May 24, 1993]. Another, Col. Otto Perez Molina, who now runs the Presidential General Staff and oversees the Archivo, was in charge in 1994, when, according to the Archbishop's human rights office, there was evidence of General Staff involvement in the assassination of Judge Edgar Ramiro Elías Ogaldez. The third, Gen. Francisco Ortega Menaldo, who now works in Washington as general staff director at the Pentagon-backed Inter-American Defense Board, was G-2 chief in the late 1980s during a series of assassinations of students, peasants and human rights activists. Reached at his home in Florida, Jack McCavitt said he does not talk to journalists. When asked whether Ortega Menaldo was on the C.I.A. payroll, he shouted "Enough!" and slammed down the phone.

STRONGMAN ON CAMPUS

Credit Democratic Representative Robert Torricelli for disclosing the latest C.I.A. horror story: An American hotelier and a Guatemalan rebel leader married to an American were executed on the orders of a paid asset of the agency. Yet in his letter to the White House decrying the C.I.A., Torricelli overlooked a key aspect of the episode—the murderous colonel, Julio Roberto Alpírez, was twice a student at the U.S. Army's School of the Americas. There is good reason for the Congressman to be forgetful on this point. In September 1993, when Representative Joseph Kennedy 2d proposed an amendment to defund the S.O.A., Torricelli, then chairman of the Western Hemisphere subcommittee, was a prime opponent of the measure. Kennedy argued that the school too often had trained thugs, including the head of an Argentine junta, an organizer of Salvadoran death squads and Manuel Noriega. But Torricelli hailed the institution and actually proferred a Guatemalan officer as a good example: This prominent alumnus of the school had declined to join a coup in Guatemala earlier in the year. Torricelli did not mention that the three officers most identified with that coup had also prepped at the School of the Americas. Consider this, Congressman: Six months after Alpírez finished his second stint at the school—which included several hours of training in human rights—this C.I.A. and S.O.A. man in Guatemala reportedly had an American killed.

DAVID CORN

These crimes are merely examples of a vast, systematic pattern; likewise, these men are only cogs in a large U.S. government apparatus. Colonel Hooker, the former D.I.A. chief for Guatemala, says, "It would be an embarrassing situation if you ever had a roll call of everybody in the Guatemalan Army who ever collected a C.I.A. paycheck." Hooker says the agency payroll is so large that it encompasses most of the army's top decision-makers. When I told him that his friend, Gen. Mario Enríquez Morales, the current Defense Minister, had reacted to the Alpírez scandal by saying publicly that it was "disloyal" and "shameful" for officers to take C.I.A. money, Hooker burst out laughing and exclaimed: "Good! Good answer, Mario! I'd hate to think how many guys were on that payroll. It's a perfectly normal thing."

Other top commanders paid by the C.I.A. include Gen. Roberto Matta Galvez, former army Chief of Staff, head of the Presidential General Staff and commander of massacres in the El Quiché department; and General Gramajo, Defense Minister during the armed forces' abduction, rape and torture of Dianna Ortiz, an American nun. (Sister Ortiz has testified that a man she believes to be North American seemed to be the supervisor of the agents who abducted her. Gramajo said she had sustained her 111 burn wounds during a "lesbian love tryst.") Gramajo also managed the early 1980s highland massacres. Colonel Hooker says he once brought Gramajo on a ten-day tour of the United States to speak at U.S. military bases and confer with the U.S. Army Chief of Staff.

Three recent Guatemalan heads of state confirm that the C.I.A. works closely with the G-2. Last year, when I asked Gen. Oscar Humberto Mejía Víctores (military dictator from 1983 to 1986) how the country's death squads had originated, he said they had been started "in the 1960s by the C.I.A." Gen. Efraín Ríos Montt (dictator from 1982 to 1983 and the current Congress President), who ordered the main highland massacres (662 villages destroyed, by the army's own count), said the C.I.A. did have agents inside the G-2. When I asked Ríos Montt—a firm believer in the death penalty—if he thought *he* should be executed for his role in the slaughter, he leapt to his feet and shouted "Yes! Try me! Put me against the wall!" but he said he should be tried only if Americans were tried too. Specifically, he cited President Reagan, who, in the midst of the massacres, embraced Ríos Montt and said he was getting "a bum rap" on human rights. Vinicio Cerezo Arévalo, civilian President from 1986 to 1991 (under whom the rate of killing actually *increased*), said "the C.I.A. often contracts with our military and G-2 people," and that from what he knew they "very probably" had people inside "who have participated with our G-2 in technical assistance and advice."

These C.I.A. operations are, of course, part of the larger U.S. policy. The Bush and Clinton State Departments, for example, in the midst of a much-touted "cutoff" of military aid to Guatemala after 1990, authorized—according to classified State Department records—more than 114 separate sales of U.S. pistols and rifles.

The killing of defenseless people has been state policy in Guatemala for thirty years. The question is not whether the U.S. government has known—it is obviously aware of its own actions. It is why, with overt and covert aid, it has helped commit the army's murders. ALLAN NAIRN

Allan Nairn has written extensively on Guatemala and its military since 1980. Last fall in The Nation *he broke the story of U.S. intelligence collaboration with Haiti's FRAPH.*

Silent Racism

In February student activists at Rutgers University gave America their own version of a comparative history lesson: Racism Then and Now. In protesting a racist statement by university president Francis Lawrence, the United Students Coalition at Rutgers brought the difficulties of civil rights activism in the 1990s to the national stage. Rutgers students were seriously lacking in iconography: They had no visual representation of their oppression—no fire hoses, police dogs or billy clubs—for the front pages and nightly news. The Rutgers coalition had only Lawrence's inflammatory words—he called African-Americans a disadvantaged population because of their genetic and hereditary background. Since institutional racism is not easily photographed, the difficulty for activists whose causes are race-based becomes how to combat the "misspoken" word.

Otis Rolley, one of the heads of the student coalition's public relations committee, used the images of protests past to guide the coalition, although he was fully aware that times have changed. Before embarking on the campaign against Lawrence, Rolley and other students referred to Richard McCormick's *The Black Student Protest Movement at Rutgers*, an account of campus activism a generation ago. The students' knowledge of this history and their understanding of past tactics helped them turn what could have been a passing murmur into a full-scale movement. But the comparison revealed the differences between the activism of yesterday and today. "Back then there was such blatant racism: 'You're black and I don't want you at school,' " Rolley reflects. "Now everything is so much more covert that when you cry out, people say, 'What are you talking about? It's a great school, kid.' "

But at universities like Rutgers, young people of color continue to face shrouded but significant racism—the suspicious glance, the continual requests for identification not made of white students, the assumptions of favoritism due to quotas. Only rarely do words surface as a blunt reminder that the playing field is still slanted. Around the Rutgers campus, Rolley says, "some people yell 'nigga' from a car but they don't stick around. The attacks are always cowardly."

As cowardly, perhaps, as Lawrence's attempts to hide behind his "good" record on race relations. In the 1980s Rutgers failed to meet the most basic affirmative action goals for the enrollment of minority students. In response, the Rutgers Board of Governors created a Minority Community Leaders Advisory Board. Lawrence disbanded the board as soon as minimum minority enrollment levels were met. And despite the media's focus on Lawrence, the students' demands go far beyond removing him as president—to nothing less than a demand for full equal opportunity, including minority tenure

Senator COHEN. Second, I would like to say to the acting director, number one, I know a number of people have called for the abolition of the CIA. I am not one of them. I think we need a strong CIA, and I've been a very strong supporter of maintaining the very highest level of capability within the Agency itself. And as Senator Shelby has indicated, the Agency has some of the brightest people in this country and the most dedicated and hard working. In fact, as I look around the room, without getting too specific since I can't identify any of them, as I look around the room I recognize many faces in the audience today that I work closely with, this Committee works closely with, and they are truly dedicated public servants. And I would not want the message to go forth that they are in any way acting in contrast to the interests of this country or the principles that we adhere to.

I also want to point out that you have been an outstanding naval officer, you've been an outstanding director of NSA, and I would say outstanding acting director of the CIA. Much of what I have raised did not happen on your watch. As a matter of fact, I was surprised to learn that you were apprised only this morning of an area of interest to me, namely, a report that is required to be submitted on a semi-annual basis concerning human rights. In no way can you really be required to know each and every report that is issued, particularly since all of this occurred prior to your serving as acting director. So I wanted to make this very clear that this in no way was—my comments were directed toward you.

My concern has been that in the past we used to have a mentality that if you asked the wrong question of the Agency you never got the right answer. If you asked the right question you got only half the right answer. That changed under Bill Webster, it changed under Bob Gates, and it has changed under you. But nonetheless, there are still some—and I suspect that those who were responsible for the report given to this Committee are no longer with the Agency, in terms of the language that was supplied and the answers that were supplied to the Committee are no longer with the Agency. That, too, is somewhat regrettable. We'd like to have them before the Committee to examine them. To come back to the point that I think it's important that we take down any wall of distrust that may be erected between the Agency or State Department, any of our agencies and Congress itself. If that wall of distrust is allowed to remain in any form, then we're going to have conflict in the future, you're going to have more calls for the dismantling of the Agency. And that's not going to serve the overall interests of this country. So I wanted to make it clear that none of my comments were directed to you. I suspect that you are only familiarizing yourself in recent days and hours with much of the information that's been furnished to this Committee. So I wanted to make that clear to both the Chairman and the Vice Chairman. I do want to reiterate, however, that I believe that the information furnished to this Committee was misleading. Whether you call it misleading, leading to the deception—deliberate deception or inadvertent, it nonetheless diverted this Committee from pursuing its responsibilities. And that cannot be allowed to continue in the future.

So Mr. Chairman, I will not pursue the questions I want to ask. I'll save them for the closed session, and once again reiterate the

problem that we have here by going from public to closed information that is stated openly and then perhaps clarified in classified sessions. It's going to present a somewhat fragmented and perhaps even ultimately misleading picture to the American people. But nonetheless I wanted to clarify the issue with respect to Admiral Studeman. He has been an outstanding public servant.

Chairman SPECTER. Thank you very much, Senator Cohen.

I think you have well stated the importance of the CIA and the fact that there are many hard-working competent men and women working in the CIA performing a very, very vital function. And Senator Cohen accurately characterized your contribution, Admiral Studeman, in your career generally and as acting director of the CIA.

We will be looking at the deaths of the Americans in Guatemala, including those of Nick Blake and Griffin Davis, and I believe we have in the hearing room today Randy Blake and Sam Blake, the brothers of Nick Blake, and I wanted to recognize them and to give them the formal assurance that there will be inquiries made into that matter as well.

It is now 1 o'clock, and we will recess these hearings to reconvene at 2 p.m.

Thank you.

[Thereupon, at 1 p.m., the Committee stood in recess, to reconvene at 2 p.m. that same day.]

AFTERNOON SESSION

[2:08 P.M.]

Chairman SPECTER. The hearing will resume, ladies and gentlemen, and we will—we now have with us Mrs. DeVine, Ms. Harbury and Colonel Cornell. And at the outset, may I say to Mrs. DeVine and Ms. Harbury, on behalf of the Committee, really the Senate, and beyond that, how deeply troubled we all are with what has happened here, with the murder of Mr. Michael DeVine and the murder of Commander Efrain Bamaca and how we are determined to get to the bottom of it.

Today's hearing is just the beginning in terms of what this Committee will be doing, and there are many investigations which have already been announced. And it was the sense of the Committee that we should not wait but should proceed at an early moment and that what you have to say, Mrs. DeVine, and what you have to say, Ms. Harbury, ought to be said officially and on the record. There has already been enormous publicity, and you Ms. Harbury have been interviewed very, very extensively, but we thought that it ought to be a matter that the Committee would show its official response to.

And regrettably we cannot, could not this morning as you saw, go into all aspects of all questions as we would have liked to. And there's never total agreement among any group of Senators as to exactly how to proceed and there was some sentiment, as you heard, that we might have been better advised not to have a public hearing, and our conclusion was that we should have done it, and I think we did have much important evidence come out this morning. Already a concession from the acting director of CIA, Admiral Studeman, about errors that the CIA acknowledges in not giving timely notice to this Committee. And we've already had beginning testimony from the Department of Justice, characterizing a four-month lag as appropriate, which you heard one Senator, Senator DeWine, comment about. Senator DeWine's an ex-prosecuting attorney, as am I, as is Senator Cohen. And that kind of a time lag on a matter of this sensitivity ought not to be tolerated.

So we've already had a substantial amount to say by way of critical comment, which needs to be understood. And of course it has to be understood in the broader context of our need for intelligence gathering and our effort to try to provide leadership and try to provide new direction for the Central Intelligence Agency, which is an ongoing matter. We have a new nominee where we'll be having hearings immediately after the recess. But we felt it important to proceed at this time.

And as soon as we finish this session we're going to be going into closed session with Admiral Studeman, and you can be sure that he'll have some very, very tough questioning in closed session. And

in order to protect sources and methods and make sure we don't impinge upon important intelligence-gathering operations, we simply could not do that in open session. But you ought to understand fully and explicitly that our decision not to proceed in open session does not reflect in any way on our determination to ask the tough questions and to get the answers and to get to the bottom of it.

So with that brief preliminary, let us turn to you, Mrs. Carol DeVine, and again, on behalf of the Committee and the Senate, really the Congress and beyond, we express our sympathy and we'll do everything we can to see that justice is done here.

Senator Kerrey, would you like to make an additional comment?

Vice Chairman KERREY. Just briefly. There was a great deal of interest in the first panel and for obvious reasons; I mean, there was an expectation of fireworks and so forth. And I will say to you that, for my part, my standpoint, this panel could be an awful lot more important. As was noted earlier, some of us set policy and some of us carry out policy. The four of us here are in the business of setting policy, trying to figure out, you know, specifically, what should our policy be in Guatemala, what should we be doing.

And I note with considerable interest that in this panel we have, in you, Mrs. DeVine, an individual who despite the tragedy continues to live in Guatemala, and there must be a reason for that. And you must have ideas on what can be done to end this cycle of terror and violence that has caused Guatemala such suffering.

And in you, Colonel Cornell, we've got someone who's spent a lot of time on the ground, who understands the military, I presume, understands what's going on in the country, and perhaps as well can give us some clues on what we should do from this moment forward.

And Ms. Harbury has experience with enough, it seems to me, that perhaps she can give us some clues on what we need to do to achieve reconciliation and peace in this country.

So, I appreciate very much, in spite of the difficulty, your coming before this Committee, and I look forward to hearing your testimony and asking some questions that might help me, one policymaker, decide what this nation ought to be doing, both in and for Guatemala.

Chairman SPECTER. Thank you very much, Senator Kerrey.

And Mrs. DeVine, we look forward to your testimony. You may proceed.

STATEMENT OF CAROLE ANN DEVINE

Mrs. DEVINE. Thank you. My name is Carole Ann DeVine. I am the widow of Michael Vernon DeVine. I am a permanent resident in the rain forest of Poptun, Peten, Republic of Guatemala in Central America. I have been asked by the Committee to come here and bear witness to facts surrounding the death of my husband.

Let me say, at the outset, I am not an orator, I am not a public speaker or a public person. I am not a student of the CIA or intelligence agencies. I am not familiar with sources or methods. But it is important that this Committee hear what I have to say.

Twenty-four years ago my husband and I emigrated to Guatemala, where we began a farm called Ixobel. As the years went by, we developed part of it as a campground and a guest house. Over

the years many people have come and visited us and we have friends around the world. My husband and I loved Guatemala from the very first. We were very grateful to the people and government of Guatemala for giving us the opportunity to live and work and raise our children in that beautiful country. And I today continue to be grateful.

Concerning the death of my husband, I can tell you that on June 8, 1990, Michael and I started a very normal day at our farm. That morning I went to our small cafeteria in the town of Poptun to attend to business. Michael was taking care of some minor repairs on our gas stove at the farm, and late in the morning he went into town on his bicycle to get a part. He stopped by the cafeteria around 1 p.m. and we had lunch together. Just before 3 p.m. Michael was preparing to return to the farm and I asked him to take the van back home with some of the supplies that we needed on the farm and that I would bring his bicycle in our pickup truck. Michael kissed me goodbye and left. That was the last time I ever saw him alive.

I now know that Michael was intercepted on his way back to the farm, just after turning off the main road onto the farm road. He was abducted by armed men using a white Toyota stout pick-up truck and subsequently taken to a place called Montana Rusa located less than a mile and a half from the farm entrance.

Based upon the facts discovered during the investigation and subsequent trial, we know that Michael was murdered with a machete that his murderers used to nearly decapitate him. We do not, however, to this date know why my husband was executed, nor do we know who caused his death.

Michael was a gentle, kind, clean-living, nature-loving, law-abiding man. He was a good father to our two adopted children. He was a responsible and well-liked member of the Poptun community. To my knowledge, he had no enemies—his death is inexplicable. I was proud to be his wife and continue to be proud of his memory. Michael DeVine did not deserve to die.

For the past five years I have devoted my life to try to determine why this good man died. I sponsored an investigation into the crime and used all legal processes available to me in Guatemala. I hired a private investigator as well as an attorney in an attempt to prosecute my husband's assassins. This effort met with a measure of success when in September 1992 six soldiers were convicted for the murder of my husband. In September—no, excuse me, in March 1993, a captain of the Guatemalan army was also convicted. Each of the six soldiers were sentenced to 30 years in prison. Two of the soldiers were implicated but never brought to trial, even though there are outstanding arrest warrants against them. Even this limited success represents a significant milestone for justice in Guatemala. For the first time in Guatemalan history, an officer of the Guatemalan military was convicted in a human rights case. The captain was sentenced to 20 years. But it was a limited success because he was permitted to escape as he was being held in a military installation. Rumors abound concerning his whereabouts. What is certain, though, is that he is not in prison. He has not served any penalty for having killed my husband. There is no effort by the Guatemalan government to apprehend him. It would

be unfair of me not to mention the fact that the military tribunal that saw the case did, in fact, convict seven of the people who were involved in the death of my husband, all of whom were members of the army. To those members of the military-judicial system who had the courage to see this case through, I must express my admiration and respect. It is important for this Committee to keep in mind that there are people in Guatemala who want badly to see justice take root in their country and have been willing to risk and suffer a great deal in order to make that a reality.

The history of this case is proof of the risk inherent in the pursuit of justice. Let me give you a few examples. My lawyer was run off the road and nearly killed three days prior to trial. Witnesses were regularly threatened. Relatives of witnesses were killed. And evidence was manipulated. The embassy's reports and the public record of the trial make clear that enormous irregularities occurred in connection with the judicial proceedings in Guatemala.

I also wish to express my profound appreciation for all the invaluable support, both moral and beyond, that we received from the U.S. Embassy in Guatemala, under the most able leadership of former Ambassador Thomas Stroock as well as the former consul general Sue Patterson, Colonel Al Cornell, and the rest of the staff that was in the country at the time of my husband's death. That same level of support continues today under Ambassador Marilyn McAfee and consul general Charles Keil—a fact for which I am most grateful.

Obviously, my deepest sense of gratitude and respect also goes out to the legal and investigative team that worked tirelessly, and very especially to those wonderful Guatemalan citizens who, notwithstanding the obvious dangers they had to face, served as truthful witnesses.

Why am I here today? Due to recent news accounts, I have been made aware of allegations concerning the possible involvement of the Central Intelligence Agency and/or a Guatemalan army officer who, while on the CIA payroll, may have been involved in the death of my husband. I do not know all the facts concerning these allegations. But I am certain that the truth has not been fully identified.

When I return to Guatemala, I will as appropriate pursue this to the full extent possible under the Guatemalan justice system. However, I do not wish to be alone in this pursuit. I want to leave here confident that I will continue to have the support of this Committee as I try to find the truth of my husband's death in Guatemala.

There is also the profound issue of the role of the Central Intelligence Agency. It is for this Committee to investigate and evaluate the conduct of the CIA. I hope that this Committee will discharge its function and fully follow all inquiries so that the truth emerges.

I now come to the end of my statement. In doing so, I have a deep sense of inadequacy. No person could communicate in the few minutes we have here today the depth of my loss or my children's loss or the powerful emotions that we feel. Michael was the very best thing that ever happened to me and I have lost him needlessly.

Before I stop, though, I want to leave you with a picture of my husband. This picture was taken just a few days before he died. I do this to remind you that there is a human being who has lost his life here. This is not some abstraction or some Committee footnote that you're dealing with. A good man died and the truth must be pursued.

Thank you.

Chairman SPECTER. Thank you very much, Mrs. DeVine. We understand that it is a difficult matter for you to appear here and to testify. And when you asked to be able to leave here confident that the Committee will support you fully, on behalf of the Committee I give you that assurance, that we will support you. Let us turn now to Colonel Allen C. Cornell, who was the U.S. defense attache in Guatemala from 1989 to 1994 and had important participation in these events. And we now invite your testimony, Colonel Cornell.

[The prepared statement of Col. Cornell follows:]

PREPARED STATEMENT OF ALLEN C. CORNELL

Good morning ladies and gentlemen. Mr. Chairman, Committee members, I am Al Cornell, a soldier who retired as a colonel from the U.S. Army with 30 years active service. I spent 13 years of my military career in Latin America—nine of those as a Defense Attache—with my final assignment being that of Defense and Army Attache to Guatemala from September 1989 to January 1994.

During my 4½ years in Guatemala, U.S. Government policies toward Guatemala can be characterized as revolving around the four "D's": Democracy, Development, Drugs, and "Derechos Humanos," or human rights in Spanish. The issue of human rights was clearly foremost in the minds of the three chiefs-of-mission during my tenure—Ambassador Tom Stroock from October 1989 to November 1992, Chargé d'Affaires John Keene from November 1992 to June 1993, and Ambassador Marilyn McAfee who has been our Chief-of-Mission from June 1993 to the present.

It is my belief that human rights was foremost in the minds of every member of these three country teams. The feeling among us was: how could there be continuing movement toward democracy and development without a corresponding increase in respect for human rights? Thus, human rights always enjoyed the highest priority within the U.S. Embassy.

At this time I would like to provide you with some information and then answer any questions you may have. In addition to the Devine case, which you have invited me to address, I am also willing to discuss the human rights case of Guatemalan guerrilla leader Efrain Bamaca Velasquez, which I also understand is of interest to you. But, my knowledge with regard to this case is rather limited because it arose during the closing months of my time in Guatemala. I did, however, attend at least three meetings—all of them between Ambassador McAfee and Guatemala's Minister of Defense during which information regarding the fate of Mr. Bamaca was sought, and our concern expressed over the accusation that the Guatemalan Army might be operating clandestine jails. During those meetings, the Minister of Defense claimed to have no knowledge of Mr. Bamaca's status nor the existence of such hidden detention facilities.

At this point it would be most useful for me to recall some events related to the Devine case during my tenure.

8 June 1990: Mr. Michael Devine is found murdered near his tourist farm in Poptun, Peten Department.

18 July 1990: Defense Attache and Naval Attache visit the headquarters of the Guatemalan Army's military command for the Peten, located in Santa Elena and known as Military Zone 23, and also visit the Kaibil (Ranger) training base in Poptun. Both commanders, Colonel Mario Garcia Catalan of the military zone and then-LTC Julio Alpirez of Poptun, claim no knowledge, characterizing the crime as a police matter.

Aug-Sep 1990: A private investigator hired by Mrs. Carol Devine develops names of possible Guatemalan Army suspects.

Sep 1990: Ambassador Stroock gives these names to Minister of Defense, General Bolanos, asking for action, and five enlisted men are detained. The Minister promises progress.

Mid-Dec 1990: Despite continued urging of Guatemalan authorities, no progress has been made. Ambassador Stroock recommends to the Department of State that a suspension of US military assistance be imposed.

21 Dec 1990: The Department of State announces the suspension of all materiel assistance, to include acquisitions already in the pipeline and cash sales.

14 Jan 1991: The newly elected Guatemalan president, Jorge Serrano, assumes office and appoints a new Minister of Defense and a new Army Chief.

31 Jan 1991: Ambassador Stroock tells President Serrano there can be no resumption of military aid without progress in human rights, to include the Devine case.

Feb 1991: The five detained Guatemalan enlisted men decide to talk and implicate another group of enlisted men and an Army captain in Mr. Devine's murder. The second group of enlisted men are detained, but the military court decides not to detain the Captain, Hugo Contreras.

7 Aug 1991: Captain Contreras is ordered detained by the appellate court, overturning a military court ruling.

Mid-Aug 1991: There is still no perceived judicial movement in the Devine case. The Commander-in-Chief of the US Southern Command visits Guatemala and tells Minister of Defense General Mendoza that there will be no improvement in the bilateral military to military relationship until the Devine case is resolved.

6 Dec 1991: General Mendoza is fired by President Serrano. The President appoints General Jose Garcia Samayoa as Minister of Defense and General Roberto Perussina as Army Chief.

13 Dec 1991: The new Minister of Defense and new Army Chief promise progress in the Devine case.

Mid-Feb 1992: Secretary of Defense Cheney visits Guatemala. He strongly encourages President Serrano and Generals Garcia and Perussina to resolve the Devine case.

Sep 1992: After much delay the military court finally announces its verdict: a verdict of guilty for five enlisted men of the second group and a guilty verdict for one of the men from the first group, and acquittal for Captain Contreras. Ambassador Stroock immediately protests the acquittal of the Captain and the fact that the intellectual authors of Mr. Devine's murder remain free.

10 Nov 1992: Ambassador Stroock departs Guatemala. Deputy Chief of Mission, Mr. John Keene, becomes Chargé d'Affaires.

11 May 1993: After lengthy proceedings at the appellate court—constituted as a court martial—the court reaffirms the convictions and 30-year sentences of the six enlisted men. The court also reverses the military court's acquittal of Captain Contreras, finding him guilty and sentencing him to 20 years in prison.

11 May 1993: During that evening Captain Contreras disappears from confinement.

Mid-May 1993: Chargé d'Affaires, John Keene immediately protests Contreras' escape to Guatemalan authorities. As a sign of US Government displeasure, Mr. Keene also cancels US Armed Forces Day activities being planned and hosted by US military officers in the Embassy for the military attache community and Guatemalan Army officers .

24 May 93: President Serrano breaks with the constitution and shuts down congress and the supreme court.

2 Jun 1993: President Serrano departs office due to civilian and military demands that the country return to constitutional rule. The Minister of Defense rejects an offer to take over, thus maintaining civilian rule.

5 Jun 1993: Guatemala's Human Rights ombudsman, Ramiro DeLeon Caspio is elected President by the reconstituted legislature. He chooses an interim Minister of Defense for three weeks, then appoints General Mario Enriques as his permanent Minister of Defense.

14 Jun 1993: Ambassador Marilyn McAfee arrives on station.

Jul-Dec 1993: Ambassador McAfee, accompanied by the Defense Attache, raises the Devine case on numerous occasions with the President, Minister of Defense and Army Chief. All continue to respond that the whereabouts of Captain Contreras are unknown.

Throughout this chronology the Ambassador and various country team members made approaches to their counterparts in the host government concerning the Devine case.

I personally participated in more than 30 meetings with senior civilian and military leaders to seek a just conclusion to Mr. Devine's murder.

In closing this brief chronology, I can state that once the decisions were made, all members of the country teams of the three chiefs of mission mentioned earlier were onboard with the measures, pressures, and approaches being made to the Guatemalan Government concerning our search for justice in the Devine case. I should

also stress that despite the importance of the Devine case, other cases firmly held our attention, such as the case of the 1985 disappearance of Mr. Blake and Mr. Davis, the murder of anthropologist Myrna Mack, and the Bamaca case.

This concludes my statement and I am available to respond to your questions.

STATEMENT OF ALLEN C. CORNELL

Colonel CORNELL. Good afternoon, ladies and gentlemen, Mr. Chairman, Committee members.

As you have said, I am Al Cornell, a retired soldier. I retired after 30 years of active service as a colonel, February of last year.

Before I go any further, let me say that I'm humbled to be at the table with these two ladies here. I worked very closely with Carol DeVine and I have read a lot about Miss Jennifer Harbury and I have the utmost respect for their courage and their perseverance. I am most familiar with the DeVine case, and I can tell you that without the perseverance of Carol DeVine, I'm not convinced we would be where we are today, and that is the absolute truth.

I spent 13 years in Latin America, nine of it as an attache, and the last four and a half years of my time I was in Guatemala. I can tell you that in my time in Guatemala, the policy of the embassy revolved around what we called the four D's: Democracy, development, drugs, and "derechos humanos," which is Spanish for human rights. And the thinking of the country team through all that time was you really don't have development and you really can't see progress and democracy if you don't have respect for human rights. So human rights, I can assure you, was the centerpiece of the embassy and the centerpiece of all of our offices while we were there.

I would like at this time to give you some more information and then answer some questions. What I'd like to do is go through a chronology of the DeVine case, if that would be all right with you.

Chairman SPECTER. That's fine. Proceed.

Colonel CORNELL. Before I start, I can say that I'm also willing to answer some questions about the Efrain Bamaca case, but that arose toward the end of my time in Guatemala. I did participate in three meetings with the ambassador and the minister of defense in Guatemala, where she raised two issues: What's the status of Mr. Bamaca; and what's the status of the accusations that there are clandestine prisons in Guatemala? So I did participate in three of those meetings. But then I departed, and so—I'm limited in that area.

With regard to DeVine, 8 June 1990, Mr. Michael DeVine is found murdered near his tourist farm in Poptun in the Peten Department. 18 July 1990, the defense attache—myself—and the naval attache visit the headquarters of military zone 23, which is the military zone that covers the Peten, and subsequently we visit Poptun, to the ranger base known as Kaibil Base. We talked to the commanders of both bases. Both of those commanders claim they had no knowledge about the killing, other than it had happened and that the killing was, the investigation of it, was a police matter.

I did pick up a police report on that visit and I brought it back to the embassy, but in essence all it said was, we found Mr. DeVine, he had been killed by unknown assailants, and it didn't have much more.

In August-September 1990, a private investigator hired by Mrs. DeVine developed some leads into names of possible Guatemalan army suspects.

In September 1990 Ambassador Stroock went down to the minister of defense, General Balanos, presented him with those names and asked for action. The minister did detain the five men that were on the list and promised that there would be progress. But by mid-December 1990 there was no progress, and the ambassador really was frustrated, the whole country team was frustrated.

He recommended to the Department of State that action be taken and that the action be aimed at the military community of Guatemala, that it be aimed at materiel assistance. On 21 December 1990 the State Department announced a suspension of materiel aid, which included cash sales, to the army of Guatemala. The International Military Education Training program was not suspended at that time because the thought was that was the one vehicle we could keep to try to influence the young Guatemalan officers toward our way of thinking, our way of doing business was through that education.

14 January 1991, a new president assumes power in Guatemala, elected, civilian-elected. And he appoints immediately a new minister of defense and a new army chief. On 31 January 1991, Ambassador Stroock goes to visit President Serrano and tells him there will be no resumption of military aid without some progress on the DeVine case, among other things.

In February 1991 the five enlisted men that are in jail decide they better talk, because they've been left out on a limb. And they actually implicate the real culprits. They implicate seven people, seven more people, and they implicate Captain Hugo Contreras. With the naming of the second group, they're all detained except the captain. The military court had decided the captain did have to be detained. But on August 7, 1991 an appellate court overturned that ruling and said the captain must go to jail just like the other accused.

In mid-August 1991 we still didn't have what we felt was perceived judicial movement in the case. We had a visit at that time from General Joulwan, the commander-in-chief of the Southern Command, and we had a closed-door session with the minister of defense, at that time General Mendoza. And he said to Mendoza, there will be no improvement in the bilateral relationship, military to military, until you resolve this DeVine case, eyeball to eyeball.

I can tell you, at that meeting, Mendoza didn't like the message, but that's the way we left it with him.

On 6 December 1991 General Mendoza was fired by the president and sent home. The president then appoints a brigadier general Garcia as the minister of defense and a brigadier general Perucina as the army chief. It was just a week later, 13 December, when the new minister of defense and new army chief promised that there would be an opening in the DeVine case. Then in mid-February 1992 there was a visit by Secretary of Defense Cheney to Guatemala. We had a session with President Serrano, had a session with both Generals Garcia and Perussina, and the message was the same: Until you show improvements in human rights and until you show a resolution of the DeVine case, there will be no im-

provement in the relationship and there will be no military aid reopened to Guatemala.

In September 1992, and this is after much delay and a lot of work by Carol DeVine's lawyer and the embassy, we finally got a verdict on the case—a verdict of guilty for six enlisted men, five of the second group and one of the first group, and an innocent verdict for the captain. Well, it wasn't more than a heartbeat when the ambassador was downtown complaining about the verdict because it was obvious if you have the same testimony against the enlisted men and they're guilty and the same testimony against the captain and he's innocent, it just didn't track. But that was the military tribunal's decision.

Ambassador Stroock protested, I went down and protested to both the chief of the army and minister of defense, and their response at that time was, "Well, the procedure has to keep going. Let's see what happens at the next level." Well, on 10 November 1992 Ambassador Stroock departed Guatemala, and John Keene, the Deputy Chief of Mission, became the Chargé d'Affaires.

On 11 May 1993, again after lengthy delays, et cetera in that court system, the appellate court, which was comprised of three civilian judges and two military voters, or what they call vocales, or speakers, convicted the captain and gave him 20 years in prison and reaffirmed the 30-year prison sentences of the six enlisted men. And it was that very evening, the May 11, that the captain disappeared from military custody. When the captain disappeared, John Keene, the charge, immediately went down to the palace to protest. And an amazing number of meetings were held with the leaders—the chief of the army, the minister of defense, the staff judge advocate of their army—about recovering this captain as soon as possible.

On about 24 May—I say approximate because this is coming out of my head—because I've been away for a while—President Serrano breaks with the constitution, shuts down the courts, and shuts down the legislature. On June 2, approximately, a coalition of civilian interests—labor unions, businessmen, ranchers, students, teachers—and the military combine to pressure President Serrano to leave office. As an aside, a number of politicians offered the reins of control to the minister of defense: He refused to take it. He wanted to maintain civilian continuity. And so they reconstituted the legislature, and by June 5 they had elected Ramiro De Leon Carpio as the new president, who as you know had been the human rights ombudsman.

He immediately changed the minister of defense, brought in an interim minister, which was General Perussina, and then finally brought in a new minister three weeks later, the minister that's there now, General Enriquez. From July to December 1993, I accompanied the ambassador on numerous visits to the president, the minister of defense, the army chief, on what's being done to recover Captain Contreras.

I can say that throughout this chronology, all members of the country team involved in these things were, as we say, forward-leaning in the foxhole in this one—the cooperation, the team effort, everybody involved and everybody with the same intentions on the DeVine case. I personally participated in over 30 meetings—well

over 30 meetings with the minister of defense, army chief or president on just the DeVine case.

In closing this brief chronology I can state that once again, within the embassy, when a decision was made, everybody was on board. And everybody agreed and participated in the measures, pressures, approaches, demarches we made to the host government. I should also stress that during my tenure, although the DeVine case is what I'm talking about now, there were numerous other cases that held our attention at the same time. Blake Davis case, for example, was an important case. And I participated in a lot of that. You had the murder of anthropologist Myrna Mack, the Bamaca case. So, although I'm talking about DeVine, all the cases held our interest. And that really concludes my statement, sir.

Chairman SPECTER. Thank you very much, Colonel Cornell. We now turn to Ms. Harbury.

[The statement of Ms. Harbury follows:]

PREPARED STATEMENT OF JENNIFER K. HARBURY

1. My name is Jennifer K. Harbury. I am a United States citizen, forty-three years of age, and a licensed attorney. I received my B.A. degree from Cornell University in 1974, and my law degree from Harvard Law School in 1978.

2. My husband, Efrain Bamaca Velasquez, was a Mayan citizen of Guatemala, and the last surviving Mayan commander of the Guatemalan resistance, or U.R.N.G. forces. His nom de guerre was Everardo. We met in 1990 when I traveled to a base camp in the Tajllmulco volcano to interview women combatants for my book. We met again, and married in 1991.

3. Everardo vanished in combat on March 12, 1992, after some seventeen years in the mountains. The skirmish took place at the Rio Ixcucua, in southwestern Guatemala. No other combatants were missing afterwards. The army, on the following day, announced that they had found a body there after the combat, and had sent it to the nearby town of Retalhuleu for an autopsy and burial. When the U.R.N.G. leadership, fearing a hoax, requested a description of the cadaver they were sent a perfect, feature by description of Everardo, accurate to the centimeter. They were also told that Everardo had been wounded and committed suicide by shooting himself through the mouth in order to avoid being captured and tortured for his information.

4. In late 1992, a young man named Santiago Cabrera Lopez escaped from a military base in Guatemala . Santiago had been a U.R.N.G. combatant under Everardo's command, and had been captured in 1991. He stated that he had been secretly detained since the army since that time and severely tortured. He also reported that G–2, or army intelligence was carrying out a secret experiment with selected prisoners. The objective was to "break" such prisoners through physical and physchological abuse until they began working as secret intelligence collaborators with the army.

5. Santiago saw Everardo in an army base on March 12, 1992 and for the next 20 days. Everardo was chained hands and feet to a bed and was being interrogated. Santiago again saw Everardo in late July 1992. This time he witnessed Everardo being tortured by a number of high level army officials. including Col. Julio Alpirez and many others. He gave the names and ranks of all of these officers.

6. Santiago Cabrera Lopez testified at the United Nations conference in Geneva in February 1993 and I gave his testimony to the Inter-American Commission on Human Rights in March 1993. I also shared his testimony with State Department officials, members of the Senate and House of Representatives, and numerous human rights organizations.

7. When the Guatemalan army denied taking Everardo prisoner despite this testimony, I traveled to Retalhuleu and filed for an exhumation of the grave where they claimed he was buried. There I found the body of a young man five centimeters shorter and about fifteen years younger than Everardo. His dental patterns were also quite different. The report of the autopsy performed in 1992 when the body was first brought in from the combat site showed that the young man looked nothing like Everardo. Moreover, he had not died in combat. He had been tied by the ankles. fingerprinted, shot, stabbed, strangled, beaten. and had a skull smashed in by blows. The exhumation took place in August 1993.

8. In short, my husband had been captured alive by the Guatemalan army in March 1992, and was held as a secret prisoner and subjected to torture. In order to conceal this fact and avoid international outcry, a different prisoner was brought to the combat site and killed there, and the army announced that they had "found" Everardo's cadaver. When the U.R.N.G. requested a description of the body, the army sent a perfect description of Everardo instead of the young man actually in the grave. This hoax was carried out during the 1992 peace negotiations on the issue of human rights.

1994

9. After the exhumation, I feared that Everardo was still alive and being brutally tortured. According to Santiago, a number of the prisoners had been kept alive for many years, and indeed this has been independently confirmed. To date, all information given by Santiago has proven to be true and correct. Given my husband's rank and experience, he was literally a treasure trove of information for military intelligence. I therefore set about trying to obtain his presentation to the courts for his fair trial, and if necessary his imprisonment pursuant to the minimum requirements of the Geneva Conventions or international humanitarian law.

10. The Inter-American Commission, after the exhumation, issued interim protective order against the Guatemalan army, and Monica Pinto, the U.N. Special Expert, decried the case in her 1994 presentation in Geneva, Switzerland. The case was also included in a congressional resolution sponsored by Rep. Connie Morella, and was protested by numerous U.S. Congresspersons, Senators, and human rights organizations.

11. Throughout the year of 1994 I spoke frequently with State Department officials, including Mr. Charlie Harrington. Mr. Richard Nuccio, and Ms. Anne Patterson. I also communicated with Mr. John Shattuck. I met on numerous occasions with Ambassador Marilyn MacAffee. Her attitude was representative of all State Department officials. She seemed to find the case interesting, but when I repeatedly asked for her assistance she would simply say, "Well I have mentioned it many times to the army officials and they say they don't have him, so what more can I do?" Even limited sanctions against the army were out of the question, as were any further forms of pressure other than "mentioning" the case. She was quite well aware of the name of Julio Alpirez and the many other names offered by Santiago Cabrera Lopez, but apparently took no action.

12. As the peace talks progressed in 1994, and as Vice President Gore began to discuss regional trade plans for Central America, the State Department became more and more impatient with my pleas for help. They clearly wished for me to presume him dead and get out of their way, as my case was obviously embarrassing for the peace process. After the Global Human Rights Accord was signed in March 1994, the officially sponsored human rights violations began to skyrocket. The army clearly felt that its funding from Washington D.C. could never be cut during the peace process, and that they could thus kill their dissidents with full impunity. This they did, while State Department simply looked the other way. The people of Guatemala then lost faith in the peace process. As a result ,the peace talks disintegrated in late 1994.

13. Ambassador Marilyn MacAffee had repeatedly assured me that my case would be treated the same as all of the other human rights cases. Yet I soon learned that she had written Rep. Connie Morella, asking that my case be removed from her resolution. When I asked her about this, she said that she could not ask that funding be cut for an individual case. When I pointed out that she had not asked that the other cases be removed from the resolution, she looked very uncomfortable, and pointed out that he was a combatant, and that this was a difference. I reminded her that the legal prohibitions against torture, clandestine prisons, and extrajudicial execution do not recognize any such distinctions. She had no answer.

14. By late 1994, I realized that I had come to the end of the road in trying to save my husband's life. There was a good chance that the case would be sent to the Inter-American Court in Costa Rica, but this process would be extremely slow. The Inter-American Commission orders had been ignored by the army, as had all other forms of international pressure. The peace accords were scheduled to be signed soon, and when they were, the army would have no further need to keep Everardo alive. I was still under much pressure by the U.S. Embassy to simply assume he was dead. However, I had believed him dead in 1992, when he was actually alive and suffering terrible torture. I would not make the same mistake again. Moreover, there was confirming evidence that a number of prisoners in this experimental army program had been kept alive for years. One way or the other, time was of the essence.

15. Given this situation, I began my hunger strike in October 1994 in front of the National Palace in Guatemala City. I drank only water and some electrolyte solution to remain clear minded. I came under severe harassment by the Guatemalan authorities, including being placed on a public death list.

16. In late October, a State Department official spoke with the Guatemalan authorities about my hunger strike. He then told me that an official investigation was going to be carried out, clearly expecting me to end my hunger strike on this basis. I explained that the case had been very thoroughly investigated for some time, and that now was the time to save my husband's life, and that I would not cease my strike for anything less. The "investigation" was then carried out by the Guatemalan authorities, and consisted in having me subpoenaed to answer sixty six interrogatories by the prosecutors. Only a few of these were aimed at finding Everardo. Almost all were aimed at either intimidating, insulting, or threatening me. My lawyer was not allowed to be present. I was also forced to twice travel to the town of Coatepeque at the other end of the country, for the exhumation of certain persons who had been killed two weeks before Everardo vanished, and who, according to the autopsy reports, in no way resembled him. The authorities were hoping to break my strength in order to force and end to my strike. In the end, a few of the named military officers, including Alpirez, were superficially questioned for the first time, but never even detained.

17. After about twenty-five days, "Sixty Minutes" aired a program about the case and revealed that the CIA had long since sent a memo to both State Department and the U.S. Embassy, confirming that Everardo had indeed been captured alive by the Guatemalan army in 1992.

18. On the thirty-first day of my hunger strike, the U.S. Ambassador issued a formal demarche to the Guatemalan President Ramiro DeLeon Carpio. It stated that according to U.S. intelligence sources, Everardo was captured alive in March 1992 by the Guatemalan army, that he was lightly but not seriously wounded, that he was a prisoner for a short time period, and that after that there was no further information. The Ambassador made it clear that in her personal opinion, he must be dead, but when I pressed her she stated clearly that she had no further information of any kind one way or the other.

19. I also received word during this time period that Mr. Anthony Lake and Mr. Leon Fuerth of the National Security Council were willing to meet with me. I believed that this, combined with the recent demarche, would lead to a resolution of the case, so I then suspended my hunger strike and returned to Washington D.C.

20. I met with Mr. Anthony Lake, Mr. Leon Fuerth, Mr. Richard Feinberg and Mr. John Shattuck in November 1994. They expressed great interest in the case and assured me that they had no further information about Everardo's fate one way or the other. I asked for all documents to be released to me at once so as to avoid the delay of F.O.I.A. requests, given the urgency of the case. I also asked that the U.S. indicate that some kind of sanctions would result if my husband were assassinated without a trial. I gave several suggestions of options, stressing that if no consequences were attached to his murder, that he had no chance for survival. I also stressed that if the army killed him with full impunity, despite the international outcry and the full and clear evidence, that they would know they could get away with anything at all. Many more Guatemalans would die. They agreed to take all of this under serious consideration.

1995

21. I never received any documents, and was forced to file my F.O.I.A. requests in January 1995. To date, I have received virtually no information.

22. In early 1995, the U.S. sent our National Guard to Guatemala. The Guatemalan Minister of Defense welcomed them with open arms. State Department officials made it clear that no sanctions of any kind were going to be imposed, despite the frightening rise in officially sponsored human rights violations. The Minister of Defense made declarations to the Guatemalan press that the Bamaca case had come and gone and was no longer a problem.

23. Throughout January and February 1995 I spoke on various occasions with State Department officials as well as with Ambassador MacAffee. They all told me the same thing. They made numerous comments to the effect that "Jennifer, we really don't think he is alive." When I pressed them as to why they didn't think so, they would respond that a very intensive investigation had been carried out through intelligence sources, and that no one could find any evidence that he was alive. When I asked point blank if any of their sources had found him dead, they replied no. I also asked if their sources had evidence of a body or grave or anything else concrete, or if there was anything else they were withholding from me. They replied

"no" to all of these questions, merely repeating that given how much time had gone by, it was a logical conclusion.

24. Santiago had described for me the torture that my husband was suffering. I loved him very much and could never abandon him to such cruelty if there was any chance he were still in pain. Given that many Guatemalans were reporting that they had seen him alive recently, and given that the goal of the army experiment was to keep the prisoners alive for a long period of time, I could not abandon my search on the basis of mere opinion and conjecture. I informed the Embassy and Mr. Richard Feinberg that if no further steps were taken to save his life, that I was wrong to have suspended my hunger strike and would resume it on March 12, 1995, the third anniversary of his capture.

25. In February 1995 I also spoke with one of the team members of MINUGUA, the U.N. team now investigating human rights violations in Guatemala. I described my meetings with the State Department members and asked if there was anything new they were hiding from me. I was told by the team member that the Ambassador had issued a second demarche, that it had recommended that Alpirez be re-questioned, and that it confirmed that other prisoners had been held for a period of time for lengthy interrogation and then killed. However, the team member hastened to assure me that there was no new evidence that Everardo was dead, and that this remained mere opinion on the part of the U.S. Embassy. This was based on lengthy discussions with U.S. Embassy staff.

26. During this time period I also stressed to all U.S. officials that if no concrete evidence existed, it was wrongful to insist that he must be dead, when, in fact, he might well be alive and suffering. If concrete information did exist, then it was immoral to allow me to risk my life with a second hunger strike so soon after the first one without telling me the truth. I received no information.

27. On March 10, 1995 I spoke briefly with Mr. Richard Feinberg, and he informed me of the cuts in IMET funding. I saw the press release, which referred to the official "conclusion" that Everardo was dead. But once again, it was never stated that anyone KNEW he was dead, or that concrete evidence existed that established his death as a certainty as opposed to a mere matter of opinion.

28. I have seen Ambassador MacAffee quoted as stating that she told me on March the 7th that "Bamaca is dead". She made no such statement to me. Her exact wording was "Jennifer, I really don't think he is alive." When I pressed her she refused to answer. On March 10, she issued a press statement, declaring as follows: "Impunity runs counter to the basic principles of law. We believe that the rights of every man are diminished when the rights of one man are threatened. * * * And that is why questions continue to swirl around the case of Efrain Bamaca. What happened there?" Hardly the concrete "Bamaca is dead" statement she now claims.

29. On March the 12, 1995 I renewed my hunger strike. After 12 days I had lost 14 pounds and was extremely weak, but determined to find out the truth. It was then that Rep. Toricelli called me to his office and informed me that our intelligence sources show that sometime in 1992 Col. Alpirez, (the same man named by Santiago in early 1993), had given an order to execute Everardo. Col. Alpirez had been on CIA payroll for a long time and had also ordered the assassination of U.S. citizen Michael Devine several years earlier. An investigation had been called off, and he was given a substantial lump sum payment by the CIA during the same time period that he ordered my husband's assassination. Also, although funding to the Guatemalan army had been cut off after Devine's murder, the CIA continued to secretly fund them with U.S. tax dollars.

30. Despite my repeated requests for the documents I have received nothing I do not know where, when or how my husband died. I cannot even bury his remains. I know, from the experience of the Blake family, as well as the testimony of certain G–2 defectors, that they army may soon incinerate his bones so that I will never find him. It is only too clear, moreover, that they are hurriedly carrying out their own coverup. Our Embassy has given no documentation to the Guatemalan authorities. As a result. Alpirez has not even been arrested and remains in his post. On the other hand, it has been announced that if I return to Guatemala I will be arrested as a subversive. It is far from clear that the files in the U.S. are safe from destruction.

31. These three years have been long and terrible. Yet it was necessary for me to learn the truth. I can only hope that something positive can come from so much pain. 150,000 civilians Guatemalans have been killed or "disappeared" by the Guatemalan death squads. Let it end now. Never again.

32. I would like to make the following requests:

a. I would ask that all information about my case be immediately declassified. This would allow me to locate his body and give him a decent burial before his remains are destroyed and scattered. It would also prevent further destruction of evi-

dence in Guatemala, as well as here in the United States. It would also promote justice in both nations. National Security must never be allowed to conceal illegal or improper official conduct. Moreover, immediate release of all such files will help to restore public confidence in the American government. Other key cases should also be declassified.

b. I would also ask that after the documents in this case and in other key human rights cases have been thoroughly reviewed, that in depth and lengthy hearings be held on the CIA and State Department conduct of our affairs in Guatemala during the last twenty years. These agencies must carry out our international policies as formulated by government officials elected by our citizens. If mistakes have been made, if these agencies have strayed, let us now set our house in order. Lives are at stake.

c. Should the Guatemalan army continue to defy the basic requirements of international humanitarian law, as well as their own recently signed Global Human Rights Accord, then we must take action. Our tax dollars must not support a gross and systematic human rights violator. Should the army remain intransigent, let us begin to phase in sanctions which will only have impact on the Guatemalan military. Let us insist on the extradition of those officers known to engage in drug trafficking. Let us cancel military visas to the United States. Let us cancel private sales of helicopter and truck parts. Let us cancel all training exercises. There is so much we can do, and so very much at stake. As members of the international community, we must stand firm on the principles of international law. If human rights are not insisted upon, then they are rendered meaningless.

STATEMENT OF JENNIFER HARBURY

Ms. HARBURY. That's right. I'd like to thank the Committee for inviting us here today and offering us a chance to speak. I agree that it's very important—even though all of us have been interviewed at length—that we be able to give the entirety of our stories, because often facts are left out during interviews that might prove to be very critical to your work as the Committee.

My name is Jennifer Harbury. I'm an attorney. I'm a U.S. citizen. I'm 43 years of age. I've been practicing law since 1978. I've been heavily involved in Guatemalan affairs since 1985. I lived there and did human rights work for two years—1985 and 1986—losing an average of one friend a week to the death squads in Guatemala during that time period. I was forced to leave the country because of the work I was doing in late 1986, and continued to work closely with the Guatemalan people, whom I dearly love. I very much share Mrs. DeVine's feelings about Guatemala and would love to be able to return someday to Guatemala to live there as well.

I remain very involved in Guatemalan human rights. I worked on a book for a number of years. And that's, in fact, how I met my husband, Efrain Bamaca Velasquez, who is also known as Commandante Everado of the URNG forces, when I traveled to the volcano to carry out interviews. Can you hear me? I'm sorry, my voice has come down to about its half-life during this last week.

Chairman SPECTER. We can hear you, Ms. Harbury, but to the extent you can pull it closer it would be even more helpful.

Ms. HARBURY. I had traveled to a combat zone to interview women combatants for my book about the ongoing civil war. Since almost no interviews with any of these people existed, I thought it was important to include their side of the story. This combat unit was virtually all Mayan peasant and my husband was in charge of that division. And he, in fact, had been in combat for some 17 years, he had spent his life in the mountains. He's a Mayan peasant himself. His first fortunately for me.

I would like to give a brief chronology of the events surrounding his death because I think that's very critical in interpreting the different versions of information that have come in through the CIA. I think it's very critical in being able to decide which is the true version and which isn't.

My husband vanished in combat on March 12, 1992, near the Rio Ixcacoa, which is in Guatemala toward the Mexican border in the southwest, Orpa territory. He literally disappeared. There were only a few people in the unit that he was with at the moment, and at the end of the combat no one else was missing; there was literally a lot of smoke and explosions, everyone took cover, when they looked up he was gone. No boots, no backpack, no rifle, no nothing.

The next day the army issued a brief statement saying that they had found a cadaver right there at the river after the combat and sent it to the town of Retalhuleu for burial. Well, he was the only one missing; that made sense that that would be him. But the commandante was still very concerned, for a number of reasons, that a hoax was being carried out, and asked for a description of that body. And they were sent a feature-by-feature to-the-centimeter accurate description of my husband as being the description of that cadaver that had been found and buried.

I would for a long time have continued to think that he was dead and buried in Retalhuleu if Santiago Cabrero Lopez had not escaped from an army base in late 1992. Now, in fact, Santiago had fought in my husband's division and he himself was taken prisoner in 1991. He had been very badly tortured for a period of about six months and was placed in a new experimental program being carried out by G–2, or military intelligence, which was only a few years old at that time. A few selected-out prisoners who were captured, instead of being promptly killed, were actually taken aside and subjected to long-term torture and psychological abuse until they would snap or break down and become part of a secret and permanent cadre of informants for the army. A number of these prisoners that he was able to name, we have confirmed are still alive and in army hands. Some of them have been alive for years. Again, the purpose was not to kill them, it was to keep them alive but broken.

On March 12, 1992, Santiago saw my husband in an army base, chained hands and feet to a bed, undergoing interrogation. He was even able to speak with him briefly because the G–2 officials wished for him to confirm that that was, in fact, the legendary Commander Everado that they had been trying to catch for so long. They saw him chained to a bed, hands and feet, without a blanket, under interrogation, for about 20 days. Everado was then moved; they were told he had been shot.

But he saw him again in late July 1992, in a different base. This time, he saw him strapped to a hospital table with an unidentified gas tank next to the bed. He was stripped down to his underwear. His entire body was grotesquely swollen several times normal size. One arm was bandaged completely shoulder to wrist, and one leg was bandaged completely hip to ankle as if they had ruptured, and he was speaking in a raving voice.

The man bending over the torture table was someone that Santiago knew quite well; it was Colonel Julio Alpirez. Santiago also named first name, both last names, rank and position of all the other very high level intelligence officials who were involved in his torture and interrogation. He also said that they had actually called a doctor to standby to make sure they didn't accidentally kill Everado. The point was to break him, not to kill him. He was the goose that laid the golden egg in terms of military intelligence. There's nothing, after 17 years as a commander and founder, that he did not know.

Santiago did see him alive a few days later. The swelling had gone down. He looked very ill but he was still alive. He could not see the arm and leg because he was dressed in a military uniform. A few months later, Santiago escaped having not seen Everado again, and had been threatened many, many times to never tell of what he had seen. Mr. Cabrera Lopez in January met with me. I interrogated him very attorney style, up one wall and down the other. He has a memory like a computer and never contradicts himself. He went to Geneva and gave all of this testimony to the United Nations Conference in Geneva in February 1993. I testified March 4, 1993, and gave all of this list of names as well to the OAS Inter-American Commission on Human Rights. I then proceeded to give all of this information to the State Department, to Members of the U.S. Congress and Senate, and to all of the Human Rights Organizations, begging for help.

At that point, the army, of course, in Guatemala responded that it was a propaganda stunt, that Santiago was lying, that he was a deserter, he was trying to blackmail them, he was a drunk, and that my husband was buried in Retalhuleu where they told me in the first place. So I returned to Guatemala with my marriage certificate and said, "Fine, open the grave." And that's the one thing no one had ever counted on. If I were Guatemalan, I would have been shot on the spot. They didn't expect anyone ever to come back to Guatemala and say, "Right, that Mayan guerrilla commander happens to be my husband, open the grave."

But I had a right under Guatemalan law absolutely to do it, so the judge also gave me the judicial records. And under Guatemalan law at that time those records were normally sealed, but as a relative I had a right to see them, and being an attorney, I read them and started flipping through. And I found the autopsy report done the same day the body was brought in from the river, March 13, 1992. It wasn't him. It was someone five centimeters too short, about 15 years too young; had a moustache instead of being cleanshaven, different coloring, different eyes, different scars. He did not die in combat. He was tied by the ankles with a sock so tightly that the weaving pattern was etched into his skin. He had black ink on his fingertips where he was fingerprinted. He was shot. He was stabbed. He was beaten. He was kicked in the face. He had a two-centimeter strangulation gash around his throat, and his skull was smashed in—not from a bullet through the mouth, as we had been told that my husband had committed suicide by shooting himself through the mouth to avoid being captured alive, but by rifle-butt blows. His head had been smashed in. I did open the grave. That's

who I found, an 18-year-old who comes to my shoulder who had been tied up and beaten to death.

What the army had done was taken my husband alive to torture him long-term for his treasure trove of information. And to cover that up so that no one would interfere as I am interfering so egregiously right now, they brought another young prisoner to the river on the same day, tied him up, beat him to death and told the press, "Here's the body we found yesterday after the combat. We're sending it to Retalhuleu for burial." And when the URNG commandants here requested a description of the body, they were given a feature-by-feature to-the-centimeter description of my husband and not of the young 18-year-old actually buried in the grave. All of this occurred while they were sitting at the peace talk table in 1992 discussing the issue of human rights.

I came back to Washington after this experience and testified again to the Inter-American Commission. They immediately issued protective orders against the army. I flew to Geneva and testified at the U.N. conference in 1993, February. Monica Pinto, the special expert, blasted the army in this case in her address to the U.N. conference.

I went across the House of Representatives and the Senate here in Washington, and I want to thank all of those Members who have been so incredibly helpful all of these years. The case was included in a congressional resolution sponsored by Connie Morella. The army ignored all of these things. Every human rights group in the world has protested at the top of their lungs. The army ignored all of them. It simply made no difference.

At the beginning, I was working frequently with the State Department officials and also with Ambassador Marilyn McAfee. And throughout the winter of 1992 and 1993 she would say, "Well, we're very concerned about all this information, and we've mentioned it many times to the army." And I would say, "Well, I think my husband might be getting his fingernails torn out. Could we do something more than mention it?" But apparently we couldn't. As I've said, the name Colonel Alpirez is not exactly new. It's been public information since January 1993, February 1993.

Toward the spring of 1994, the message I started getting began to shift at State Department. The peace talks were in progress. Mr. Gore was in the region discussing interim trade programs for all of Central America. Everybody wanted a peace agreement signed, but there wasn't enough stress on compliance with that agreement. A human rights agreement was signed in March. Human rights violations began to skyrocket and nothing was done. That's why the peace process fell apart at the end of last year: Because the public in Guatemala no longer had faith in that process. If you're going to sign a peace agreement and they're all going to be shot down in the streets, nobody felt like it was going to work very well. Hopefully, that will not happen again.

That's right about the time all doors began to close in my face. OAS had done what they could. The United Nations' special expert had done what she could. Congress and Senate had done what they could. The army was totally defiant. They felt that they didn't have to do anything any more. They could shoot anybody they wanted.

Their money was guaranteed from Washington because they were in the peace process. Who was going to shut off their money?

At that point I was shown a letter that Ambassador Marilyn McAfee had written to Congresswoman Connie Morella, asking that my case be removed from congressional resolution. She had been telling me that she was pushing my case exactly equally to all other cases. So I asked her, "Whoa, wait a minute. That's not equal treatment. What happened?" And the first time around she said she would have to review her files. I returned and asked her again, "What happened?" And she said, "Well, I don't think you can cut off aid to a country or any kind of aid just for one individual case." I said, "Well, number one, it's a test case. You'll never have this kind of concrete evidence again. Then number two, you didn't ask for the other individual cases to be taken out, only mine." And she said, "Well, he is a combatant. I guess that makes a difference." And I said, "Not in the eyes of the law it doesn't. You show me where the Geneva Conventions and international humanitarian law say it's okay sometimes to torture, to kidnap, to secretly imprison or to execute without a trial." I've never asked for amnesty for my husband. I've never asked for anything, except that he be given a fair trial and that he not be subjected to torture and abuse. That was the spring of 1994.

By the summer, the peace talks were still scheduled to come to a close by January, and I realized at that point they would have no reason to keep my husband alive any more. They wouldn't need his military information any more and they would have every incentive to shoot him to shut him up, if he were, in fact, still alive. So out of desperation, because OAS would be too slow, because the United Nations has no enforcement power, because I could get nowhere with the State Department, I went on my hunger strike in the National Plaza, in front of the National Palace in Guatemala City, because I felt like I had come to the end of the road, and my life and his life, we go together. I wasn't going to just stand by and have him shredded physically while I just pretended it hadn't happened.

One of my jobs, when I was a human rights observer in Guatemala in 1985 and 1986, was to go to the morgues and help identify the dead. And I didn't want to find him that way and I didn't plan to find him that way.

So I went on my hunger strike, and the Guatemalan response was remarkable. People came out with flowers. Poor people gave me 50-cent pieces to buy new candles with. Little old ladies would come out and cry and say prayers for my husband and for their children who had been taken by the death squads. They came out in droves, risking their life to hug me, wish me well, bring me glasses of water, and tell me to speak for all of them who could not speak without being murdered themselves.

By the end of my hunger strike I was drinking only water and electrolyte solution, as you know. Since 80 percent of the Mayan people in Guatemala suffer from severe malnutrition, including my husband, at 5'3", I'm a giant in Guatemala. I felt like it would be hypocritical to go on a fruit juice fast. I know few Mayan peasants who could afford fruit juice.

By Day 25, I think, the 60 Minutes broadcast reported that, in fact, the embassy did have a report that my husband was taken alive in 1992 by the army, that he was slightly but not seriously wounded, that he had been a prisoner for a while. And that was leaked the first time through the 60 Minutes broadcast. I had never heard this information.

Throughout the first 25 days of my hunger strike we were getting the same old answers from the Guatemalan army: "We never had him in the first place." You know, you—"We found a body out there. You yourself say it's not him, so we never had him." Well, where'd this perfect description of him come from? If you never had him in the first place, where'd you get this perfect feature-by-feature description of him? Why did you send it? Here's the letter. It's signed by President Ramiro De Leon Carpio. "Oh, well, the guerrillas must have switched the body in the grave to make us look bad. That's how the subversives are, you know." Well, that's funny. Here's the autopsy report done before the body was buried. It's the same body. And it wasn't ever him. "Well, you must have gotten confused. It's five centimeters too short, 15 years too young, and there's completely different dental records, but all Indians look alike. So you got confused. It's really him out there. Maybe he ran off with another woman."

But finally, with the 60 Minutes report, it was clear that the CIA had sent something to both the State Department and the U.S. Embassy to show that none of those things were the case. He was captured alive, which, of course, I already knew. Try to figure a way out of that particular combination of evidence, right? It just—it's against the laws of physics. They took him.

But a few days after that the American ambassador, Marilyn McAfee, did go issue a demarche to the Guatemalan president, Ramiro De Leon Carpio, confirming that they did have evidence that he was taken alive, that he was not seriously wounded, that he was a prisoner for a while, and that after that there was no further information.

At that point I was also informed that Mr. Anthony Lake and Leon Furth were willing to meet me at the White House. Given that combination of events, I felt that I would be much better off halting my hunger strike—it was now Day 32. I was in danger within about 10 more days of either seriously damaging my internal organs or going into a coma—which I was not relishing. And I thought, you know, I can do that and be dragged off to a hospital by the Guatemalan army—they were already threatening to force me into a hospital and put me on an IV—or I can let the U.S. Government save my husband's life. They're a lot bigger and stronger than I am.

So I came back to Washington and I did meet with Mr. Anthony Lake right away and also Mr. Leon Furth, Mr. John Shattuck, and Mr. Richard Feinberg. That would have been the second week of November by then. And it was a very courteous meeting, they told me there was no further information of any kind, that they had scraped the bottom of the barrel on—that they were certainly going to be looking into that and what they really wanted from me was all of the facts. And I said that's what I wanted too, and I also needed, desperately, all of the documents about this case that un-

derlay the demarche. I needed to be able to evaluate them and I didn't want to have to follow through the Freedom of Information Act because it was too slow—he could be dead before I ever got the documents—it was life and death.

They were very sympathetic to that, and I also stressed that it was very important that we had to do more than mention this case to the army because it's a test case. If the army thinks that it can get away with this case despite all the evidence and the total international uproar, if they get away with it with no consequences, by assassinating him, then they'll know they can get away with anything. There's already 150,000 civilians dead in Guatemala, probably double that number—440 Mayan villages wiped off the map, maybe many more. That's enough. Let's don't tell them that it's okay to do this. Let's say that they've got to obey international law.

He was very sympathetic. The next thing I heard our National Guard was sent to Guatemala, the general—minister of defense of Guatemala was welcoming our troops with open arms, there was a clear message from State Department there would be no sanctions of any kind under any circumstances, and the headline news was, it's okay, the Bamaca case is over. I was not happy. If there's no consequences attached to his assassination what chance does he have for survival? But I was still going to bed every night with the image of my husband strapped down to a table being pumped up like an overblown inner tube, and I didn't feel like leaving him under those conditions. And I didn't think it was right to leave him under those conditions because it's a green light to continue torture and assassination and kidnapping and secret prisons for many more people, and I felt like I had lost enough friends in Guatemala for one lifetime.

So I went back and forth to the State Department and to the U.S. ambassador in Guatemala and back and forth to the White House for some time. January and February. What I can tell you is a summary of what I was told consistently by all State Department people, January and February of this year: "Jennifer, we really don't think your husband is alive any more. It's been three years." "Well, why don't you think he's not alive?" "Well, it's been three years, it's a logical conclusion, we've done a very intensive investigation, we cannot find him alive anywhere." "Well, all right. Can you find him dead?" "No." "Can you find any evidence of a grave or a body or an execution?" "No, no, no." "Is there any concrete evidence that he is dead?" "No." "Are you withholding anything from me?" "No."

I went down to Guatemala in February and I talked to someone from the United Nations investigatory team and said, "This is driving me nuts. They keep telling me they don't think he's alive but are they holding something back from me, what's going on? They won't give me anything underlying this new demarche. I'm asking and asking, I filed my FOIA request in January, I have nothing. Today I still have nothing. I have a certified transcript of a press release done by the ambassador back in the fall. I have nothing else." And the United Nations person was very sympathetic and told me not to worry, that she'd had lengthy discussions with the ambassador. That they had asked for Alpirez to be re-questioned.

In fact, the U.S. State Department people here had told me that the ambassador had requested a new round of questioning but had not mentioned Alpirez' name. She also said there had been mentioned that they knew that a number of other prisoners had been taken and that these were often executed. I had not heard that up here in Washington .

And then I said, "Well, so what do you think? Do you think he's dead? I mean, what's going on?" And she said, "No, no, no. They've reassured me that there's no concrete evidence that he's dead. They only think he's dead because no one can find any evidence that he's alive."

Meanwhile, I was getting many reports from Guatemalans who said they had seen him alive, and I turned all of those over to the State Department.

So I didn't know what to think. And when I returned to Washington just before the hunger strike started, I actually spoke in the White House to Mr. Feinberg, who had not made these concrete statements—I want to make that very clear; this was State Department officials that I've just quoted at length. I said to Mr. Feinberg, "I'm really worried. If you folks have information that he's dead, you should tell me because I'm about to risk my life going on another hunger strike so soon to the last one. I'm not that strong. I'm 43 years old, but I'm going to do it. You know, if you know he's dead, you have to tell me, and if you don't know he's dead, you have no right to be telling the world that you think he's dead when he could be suffering from these horrible tortures." And I didn't get an answer.

On March 10, two days before I started my hunger strike for the second time, I was called in and did speak with Mr. Feinberg. He did tell me about the cuts in IMET. I thought that was a very positive first step. And I did see the press release that said, you know, that we conclude that he is dead. Once again it said, "conclude." It didn't say we know it, it didn't say there was any evidence of an order of execution, it said nothing.

And I'd like to read you the words of Marilyn McAfee at her press conference in Guatemala that same day. She now says, I told Jennifer, Bamaca is dead. Here's her written statement: "Impunity runs counter to the basic principles of law. We believe that the rights of every man are diminished when the rights of one man are threatened. That ideal is why the United States places such great emphasis upon our policy of human rights." Et cetera, et cetera.

"And that is why questions continued to swirl about the case of Efrain Bamaca. What happened there?" Does that sound to you like Bamaca is dead?

So I went on another hunger strike, this time in front of the White House. And I sat there for 12 days drinking water and electrolyte solution. I lost 14 pounds in 12 days and went staggering up and down the Halls of Congress asking for help once again. And it was on the 12th day that Congressman Torricelli had the kindness to call me into his office and say, "Jennifer, it's more than we think he's dead, there was an order of execution by Colonel Julio Alpirez in 1992. He was on CIA payroll. He's the same person that ordered the death of Michael DeVine. He was on payroll when he killed Michael DeVine. There was an investigation, it was called

off. He wasn't on payroll for a while. It's unclear if he was still on payroll the day your husband was killed, but he did receive a large lump sum of money right about that time."

Now, I've been given no dates. I don't know when he died. I don't know who pulled the trigger. I don't know how he was killed. Maybe it wasn't with a gun. I shudder to think how he was killed. Let's don't try to imagine it. I don't know where he's buried. At this moment they may be digging up his body and burning his bones so that I'll never find them. That's what was done to the body of Nicholas Blake.

I've talked to a number of G–2 defectors who come through Mexico who've routinely been ordered to go to dynamited areas behind military areas, pour gasoline over cadavers and light them on fire when they think someone's coming.

I know that papers are being shredded a mile a minute in Guatemala City. There's not much I can do since I'm not being given any information up here. Not even my Freedom of Information Act have gotten me anything except a certified copy of a press statement and two sheets of paper almost completely whited out with one sentence at the bottom. I know nothing. I'm the only one that cares about this human being. I'm the only one that wants to bury him and I'm the only one who is not allowed to know anything about it other than what Congressman Torricelli was kind enough to tell me. At least I don't have to wake at night now with nightmares that he is still screaming from a torture cell.

I'm just the tip of the iceberg in Guatemala. There are more than 150,000 women like myself that no one has yet given an answer to. It has to stop.

I would like to ask for my case to be immediately declassified for a number of reasons:

Number one, so that I can find his body and offer him a decent burial before his body is destroyed;

Number two, so that there will not be total destruction of the evidence down there before I can get to it;

Number three, to restore public confidence in what our own government has done in this case. I don't know what's gone on. I want to know. If nothing bad has gone on, why can't I see the file? I'm not interested in knowing the names of informants. I want to know what happened. It's not the same thing.

Number four, national security cannot be used to shield illegal or improper or immoral official conduct. What worse for national security can there be but criminal activity by our own government officials? And if it didn't take place, show us the records. Then we'll all know it didn't take place and public confidence will be restored.

I would also like to ask that many other cases be declassified as well. Sister Diana Ortiz, a nun who was raped, left with 110 cigarette burns on her back and lowered into a pit with cadavers and rats was then picked up and taken out of the torture cell by a man with an absolute North American accent who drove her back out of the torture cell, who knew where she was and would have the authority to take her out of there. She's never heard anything. Why not?

I would like to ask for there—as soon as these records are released, for there to be in-depth hearings on what's happened with

our State Department and the CIA in Central America for the last 20 years. It shouldn't matter what nationality all of us women are or what our color is or anything else. We all have a right to know what happened to our sons, our daughters, our loved ones, our husbands. We have the right to know, all of us. We're the same. we're all people, we're all human beings.

And last, I would like to ask that since the human rights violations continue to escalate in Guatemala, not because Ramiro De Leon Carpio is a bad man, but he's not the president. He can't even protect his own family, his cousin was assassinated as soon as he took office. He has since reversed every human rights position he ever held.

The daughter-in-law of the assassinated cousin is often run out of the country. The widow is under consistent death threats. He can't protect his own family members, much less set the country in order. The army is still the president. They control the courts. A judge rules wrong, he's dead. We have brave lawyers like Mrs. DeVine's lawyer, who is run off the road and almost killed. We have a brave lawyer like mine, who has a bomb go off in her office right after the exhumation. I mean, it doesn't work, as long as the army blocks all institutions and terrorizes all good officials. It's not that the Guatemalans are bad, it's that there is an evil army controlling them and blocking all evolution.

I'm therefore asking that if they continue to shoot, to murder, to torture, to rape, to burn, please start phasing in sanctions only against the army. There are many things we can do. We can stop the training exercises. We can cancel their visas here. Many of them are heavily implicated in the drug trade. That is well known. Why don't we extradite them? Why are we selling them helicopter parts? Why are we sending them bullets? I mean, there are private sales.

There are many things we can do to get a clear message through to the army, We will not support you if you don't respect the law and if you don't respect the agreements in the peace process that you have just signed yourselves; you must support your peace agreements, you must comply. I'm asking you to do that. It's too late for my husband. It's too late for Mrs. DeVine's husband. It's too late for both of us as women who loved their husbands. Please don't let it be too late for anyone else.

Thank you very much.

Chairman SPECTER. Well, thank you, Ms. Harbury, for that very compelling testimony.

The course of action that you suggest has a lot of merit, in terms of the maximum amount of pressure which can be applied by the United States and other law-abiding and decent countries to try to stem the abuses of human rights in Guatemala. And your heroic efforts are instrumental in leading this country in the right path. It is astounding, in a sense, that you have to undertake hunger strikes to attract sufficient attention to bring about this kind of a remedy. But to repeat, this Committee will investigate the matter fully and do our very best to get to the bottom of it and take action and make the recommendations and act legislatively to implement the policy to do our utmost to stop these human rights violations.

You mentioned in your testimony Sister Dianna Ortiz, and the Committee would like to recognize her today. She is a U.S. citizen. She was raped and tortured in Guatemala with 111 cigarette burns on her back, which is the information provided to me, which you have mentioned yourself.

Mrs. DeVine, you have lived in Guatemala many years——

Mrs. DEVINE. Twenty-four years.

Chairman SPECTER. You have testified about your own victimization through the murder of your husband. You have heard Ms. Harbury's testimony. What suggestions would you make? Would you concur with what Ms. Harbury has said? Would you have any other additional suggestions as to what the United States should do to try to reverse the human rights abuses in Guatemala?

Mrs. DEVINE. Well, my sentiments parallel those of Senator Kerrey and Senator Shelby. And I'm just asking, do we need tax dollars to go into covert operations? I don't really know. Like I say, I don't have much of an idea if we do indeed need these—the CIA and operating the way they're operating. I lean toward trying it in the peaceful manner. What about putting dollars into educating the people?

I'm not really sure, but the idea of paying off, giving our tax dollars to people like perhaps Alpirez and other officers, how do we know what they tell us is the truth anyway? And aren't there other ways to find out what we need to find out? Do we have to sneak around? Can't we do things openly?

As far as my case goes, I would really ask that the Committee conduct a full and honest investigation into the facts surrounding the death of my husband. What we want is to find out the truth.

Guatemala is a beautiful country. It needs all the help it can get from those of us that are here today. And some of us are sitting here now, some of us are in the audience and others are not present. It doesn't deserve what's been happening to it, and I don't know that our government has helped. I don't think the CIA is really helping by their actions. I really don't know if these allegations are true. But if they are, I think it did a great injustice to Guatemala.

Chairman SPECTER. Colonel Cornell, you have been on the scene for a substantial period of time in Guatemala, and you have a military man's perspective and some background in the value of intelligence operations. How do you evaluate what Mrs. DeVine has said about questioning covert actions? Without making any inappropriate disclosure, is the activity being undertaken by the U.S. Government in Guatemala today worth it in light of what you have observed as to human rights violations?

Colonel CORNELL. Well, I can only speak up to the end of 1993, but we learned an awful lot and we were able to influence through the information we received, through various sources, both civilian and military, in the government of Guatemala. I would hate to see those cut off, because that information is sometimes very vital to understanding what is going on, or to prevent something from happening. Very vital. And so I—I have been out of the scene for over a year, so I can't evaluate the accusations either.

My time there, though, I felt the activities of all the intelligence collectors in Guatemala and the products they produced were ex-

tremely vital to our efforts, and extremely vital in our efforts to support human rights, to get to the bottom of cases.

Chairman SPECTER. To what extent is the U.S. support key, critical, or important on the war against drugs, Colonel?

Colonel CORNELL. I think it is absolutely necessary on the war against drugs. Guatemala is a transition point—transfer point of drugs. Literally tons of cocaine coming into Guatemala and then being transferred from there up to the U.S.

The only intelligence apparatus in Guatemala is the Guatemalan army's intelligence. So the DEA has had to work close with them for intelligence and the sharing has, in my time, been very good, and led to a number of seizures of drug traffickers, drug aircraft, you know, tons of cocaine. So yes, it's extremely important in the drug war. Extremely important.

Chairman SPECTER. Ms. DeVine, you have hired a private investigator. Could you tell the Committee what evidence has been uncovered or what facts or what indicators, pointing to anybody special as being implicated in the assassination, execution of your husband?

Mrs. DEVINE. Well, I think both Al Cornell and I went into that, and are you wanting names right now?

Chairman SPECTER. Well, if you have—if your investigator—I'm sorry, I didn't hear your question. You say, do I want names?

Mrs. DEVINE. Well, we did perform a complete investigation, we think, and the soldiers are in prison, the officers are not, and there are still a few officers out there that we believe are implicated in the crime, and they have never been brought to trial, and the U.S. Embassy has been trying to get that accomplished, but it hasn't come about.

Chairman SPECTER. Well, we will pursue those leads to—one avenue which has already been mentioned is to put pressure on the Guatemalan government and another angle might be to see if there is sufficient evidence to qualify under the terrorist statute which would invoke a grant of U.S. jurisdiction to prosecute them ourselves, to extradite them.

Colonel Cornell, do you have a point to add there?

Colonel CORNELL. Go ahead, sir. I lost track of it now.

Chairman SPECTER. Ms. Harbury, do you have anything specific to add by way of any evidence of directed at whoever murdered your husband?

Ms. HARBURY. The eyewitness, Santiago Cabrera Lopez, issued a very full list of high level intelligence officials, including Colonel Alpirez and also Major Sosa Orellana, both of whom are School of the Americas graduates, as well. That list has been freely available to all authorities since the very beginning. We still need the files that the Intelligence Committee has as to, as I started to say before, progress properly in a number of different forums. Or we ask the Inter-American Commission needs all the evidence so that they can send it on up to the Inter-American Court. We need it to progress for a criminal proceedings in Guatemala.

One of the reasons Colonel Alpirez has not been detained is because they are saying there is no evidence. They need your evidence, some of the Committee's evidence of some kind. The same

thing up here. I can't proceed anywhere on anything until we get hold of those files.

Chairman SPECTER. Well, my time has expired. I want to say now, and I will have a few words to say later about how powerful your testimony is. There is nothing like hearing it in person, and like many Americans who will hear your words and see your faces, will hear the passion and the emotion on television, I think it is a very, very powerful message which you have conveyed in this hearing today, and I thank you.

Ms. HARBURY. Thank you very much.

Chairman SPECTER. Senator Kerrey.

Vice Chairman KERREY. Thank you, Mr. Chairman.

Colonel Cornell, I would like to, in this first round, ask you a series of questions just so I can get an understanding of the detail, the chronology, and your relationship, in particular, to the CIA and some of the things that you observed at the time.

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. To be clear on this, you were present in country, you were the defense attache in June—June 8, 1990, when Michael DeVine was murdered?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. And you remained in country all the way through the end of December 1993?

Colonel CORNELL. Yes, I left on January 11, 1994. January 11, 1994 I departed Guatemala.

Vice Chairman KERREY. And then you got out of the service in February 1994?

Colonel CORNELL. 1994, yes, sir.

Vice Chairman KERREY. So you were there all the way through January 1994, you were there all the way through the trial?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. You were there for the guilty verdict and you were there for the appellate court conviction in May 1993.

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. You were there when Serrano closed the court.

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. No, you were not there when Serrano closed the courts.

Colonel CORNELL. Yes, sir; yes, sir.

Vice Chairman KERREY. In May 1994?

Colonel CORNELL. Yes, sir. No, that was in May 1993.

Vice Chairman KERREY. May 1993 he closed the courts?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. So you were there when he closed the courts. I got my date, year off, which is why I need to go through this. So you were there then through the election of Carpio?

Colonel CORNELL. Of De Leon, yes, sir.

Vice Chairman KERREY. You were there? All right.

Let me—I just wanted to set that for my own understanding. Let me go through a series of questions with you.

You then worked on the DeVine case, not necessarily from June, but certainly July 18 when you made a visit to military zone 23 along with the naval attache?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. Were you involved from then all the way through January 1994 when you departed country?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. Now, during that period, did any member of the embassy staff present information naming a specific Guatemalan officer as having ordered the killing of Mr. DeVine?

Colonel CORNELL. No. No, not a specific officer, no.

Vice Chairman KERREY. I mean, did—when you say not a specific officer——

Colonel CORNELL. Well, we do have some information I'd rather discuss in a closed hearing concerning some of the—some sources and some reports made as to where the blame may lie, but I am like Carole right now, I still don't know today what was the real reason they killed him. I have heard a couple of versions. I am still not convinced that we know the whole story yet.

Vice Chairman KERREY. Well, without getting into specifics then, was U.S. intelligence collected in Guatemala and elsewhere important in the identification and conviction of Mr. DeVine's murderers? In other words, did the intelligence that we collect provide some assists to the conviction, or what the incriminating information provided from sources other than intelligence?

Colonel CORNELL. No, the incriminating information really was provided by the situation itself, not from intelligence sources. The five originally arrested enlisted men finally, thinking they were being sold out, finally talked, explained what they had seen, the organization of this second group under Captain Contrares, going to Poptun, and——

Vice Chairman KERREY. Did intelligence provide any information to the ambassador that enabled him to keep the pressure on the Guatemalan government?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. For trial?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. So even though it may not have resulted in any evidence at the trial——

Colonel CORNELL. Initial information that we were getting was that the—certain members of the army staff were stiffing us, and so we realized we were on the right track.

Vice Chairman KERREY. So for example, when Ambassador Stroock goes and sees the President on 31 January 1991, saying no military aid, he's being supplied information by our intelligence people that enabled him to say that or reinforced his——

Colonel CORNELL. It enabled him to say there's been no progress, you're not cooperating, your blocking the case, and therefore, we can't reopen it. Serrano wanted a clean slate.

Vice Chairman KERREY. Similarly, when Cheney came in February 1992, I mean, was intelligence providing our Defense Secretary with information that enables him to deliver the same message?

Colonel CORNELL. Yes, sir. Yes, sir.

Vice Chairman KERREY. You observed the Guatemalan military for four years, Colonel Cornell. To what extent did U.S. training

and U.S. intelligence programs make the Guatemalan military sensitive to human rights?

Colonel CORNELL. My impression was that we had, when I arrived, a layer of hardliners and a layer of progressives. The progressives tended to be the mid-range junior officers, some of them were senior officers.

Vice Chairman KERREY. Can you speak directly to the issue of the School of the Americas?

Colonel CORNELL. Well, the School of the Americas, I think, played a role in helping these officers understand our position on human rights, understand the value of human rights to other programs, such as democracy and development.

Vice Chairman KERREY. Do you believe it changed behavior?

Colonel CORNELL. Yes, sir.

Vice Chairman KERREY. Constructively?

Colonel CORNELL. Yes, sir; yes, sir.

Vice Chairman KERREY. From your observation of the readiness and the equipment of the Guatemalan military, did it appear to you—and we have read reports to the contrary, but did it appear to you that they received compensation funding from some other source to make up for the 1991 cutoff?

Colonel CORNELL. No, sir. The cutoff was 21 December 90, and——

Vice Chairman KERREY. So you saw nothing in 1991 that indicated to you that there was an alternative source of funding that the Guatemalan military was using?

Colonel CORNELL. Absolutely not, sir.

Vice Chairman KERREY. Did you see any indication that there was a deterioration of capacity as a result of the cut off in military funding? Did it have an impact?

Colonel CORNELL. It was minimal, sir. The impact was primarily in the air force and the navy. They relied on our parts to keep their aircraft flying.

Vice Chairman KERREY. And were they unable to keep their aircraft flying as a consequence?

Colonel CORNELL. Yes, sir. Yes, sir. By the time I left, almost all their aircraft, especially a jet aircraft, were grounded.

Vice Chairman KERREY. Can you describe, Colonel, the Guatemalan environment at the time of your service there? You were there for four and a half years, in terms of political crime and human rights situation?

Colonel CORNELL. It was an environment that—it was a transition environment or atmosphere. It had been very difficult during the height of the guerrilla war. Now we had gone through one complete civilian presidency into another and we were seeing improvements being made, we were seeing, for example, the press talking about human rights in 1989 and 1990, where they wouldn't talk about it in 1985 because they were scared to death. So we were seeing improvements, but still we were seeing problems. And we were continuing to have problems in the embassy with the government over human rights cases.

Vice Chairman KERREY. So speaking to your four D's, democratization being the top of the list, do you believe that U.S. involve-

ment in Guatemala has advanced the cause of democracy in the country?

Colonel CORNELL. Yes, sir, I do.

Vice Chairman KERREY. Can you give me some examples beyond the freedom of press?

Colonel CORNELL. I think the best one is when President Serrano took over the government. It was mid and junior range officers, up to majors, lieutenant colonels that went to the minister of defense and said, hey, we're outside the constitution. You need to go back to the president and get us back into constitution;. And if you guys don't, we're going to ask you guys to step down and we'll go up to the president and ask him to step down and put this country back under civilian rule. And this was in May 1993, and this was a shock to all Guatemalans because Guatemalans themselves didn't realize that the mentality of the military had been transforming away from dominating the government.

Vice Chairman KERREY. Do you have ideas on how this Committee could assist Mrs. DeVine and Ms. Harbury in getting the Guatemalan government—I mean, it seems to me that we could put pressure on the Guatemalan government to, on the one hand, provide an accounting of an individual who is presumed dead and/or missing, or on the other hand, to get Captain Contreras back or to carry on the prosecution. Perhaps you can describe the current lay of the land in Guatemala as to the case against Alpirez?

Colonel CORNELL. I think you have to keep up the diplomatic pressure. I think that is where the answer is. You have got to keep the pressure on and hang on to it just like Carole did with her case, you have to hang on like a bull dog, even though they may not like it. There is not much you can do—you can cut off aid, we've already done that. You can cut off their schooling. I believe we've already done that. You just have to keep up the diplomatic pressure and the demarches and just keep beating them over the head until you get their attention, until you start seeing some changes in behavior. And I believe we have seen a lot of changes over my time there, but there is still more to come.

Vice Chairman KERREY. I appreciate it, Colonel.

Chairman SPECTER. Thank you very much, Senator Kerrey.

I am going to have to excuse myself for a few moments, because there is a conference on appropriations going on and I have just gotten a call from Senator Kerry and Congressman Porter and I will be back as promptly as I can, and Senator Kerrey will preside, and our next Senator for questioning is Senator Cohen.

Senator COHEN. Thank you very much, Mr. Chairman.

First, let me thank this panel for its testimony. I must say I wish you had actually been listed as our first panel. I think that your stories would have placed in greater perspective the monstrous evil that you've had to confront over the years and the absolute level of frustration you've experienced in trying to gather up whatever resources were available to you personally and to you as a citizen of the United States. You have described your frustration in language and with passion that has rarely been demonstrated before any panel of Congress that I have ever served on.

I might suggest, Colonel, you said very little we could do but pressure. What about cutting off their visas? Has that been done as well?

Colonel CORNELL. It has been done, I don't know to what extent. I do know, for example, that officers or enlisted men that are suspected of being involved in drug trafficking, if we can get somebody to tell us who they are, then we make an effort, for example, to prevent their travel to the States. I am not sure the status, for example, of—I believe that, for example, Colonel Alpirez is cut off from going to the States. I may be talking out of turn or out of school, but I am pretty sure that's the case.

I do know the commander of military zone 23 that was the commander of that whole area when Mrs. DeVine's husband was killed, he came in the embassy in 1993 for a visa and the counsel general sent him packing. So I do know that it does take place. I was not in the consulate every day but I watched it take place.

Senator COHEN. As a retired Army officer, and one who had, I assume, considerable contact with the Guatemalan military, did you not? Is it fair to say that the enlisted men would have been able to engage in the abduction of Mr. DeVine without either the knowledge of or complicity on the part of their superiors based on your knowledge of their actions, activities?

Colonel CORNELL. Based on my knowledge, I can't imagine such a thing happening without orders from above.

Senator COHEN. So it's reasonable to presume that a team from military zone 23 headquarters would not be able to work out of special forces school that Colonel Alpirez headed, arrest Mr. DeVine, torture him, question him at special forces school, and then kill him without the colonel's knowledge or approval?

Colonel CORNELL. It's unreasonable to think they did anything like that without orders.

Senator COHEN. So when you first met Colonel Alpirez, he simply dismissed it as a police matter, has no knowledge.

Colonel CORNELL. When I first met Colonel Alpirez, and of course, I went over and talked to the zone commander, at that time we had not had any evidence in any direction. We had no suspicions of who might have done it and they knew that at the time also. Their coverup had started. We didn't know it yet. We really knew it when Mrs. DeVine gave us a list of five names and then the reaction to the army to us starting to pressure for that, we realized, oh, we're on to something now. And from then on it was evident.

Senator COHEN. And during that time, what was the nature of the information being shared with you from our intelligence agencies? You, and embassy officials?

Colonel CORNELL. I would classify it as good. We had regular country team meetings with the ambassador to discuss all of these types of cases. But when the DeVine case hit, it was a regular topic of discussion.

Senator COHEN. Are you satisfied that you were given full information during the time that you were involved in this particular matter by the intelligence agencies? I am asking you now in retrospect, looking back, based upon what you know today as to what—compared to what you knew then?

Colonel CORNELL. Well, I hope I was. I have seen some things in the press that I wasn't aware of, but I don't know the validity of what's in the press. I know some things in the press are completely erroneous, so I am not sure how to gauge the rest of it. But I felt I had a real good relationship with the station chief and that he was sharing things with us as he was with the ambassador and the rest of the country team.

Senator COHEN. And were it to turn out that information was not being shared with you, that would sort of undercut what the ambassador was doing very courageously in issuing demarches. I am told that he was virtually in danger of being thrown out of the country and listed as persona non grata at one point.

Colonel CORNELL. He came very close on 31 January 1991, when he had a confrontation with President Serrano over the DeVine case and human rights, and it was human rights that it was over, and he came very close. But I felt that he was being given all the information.

Senator COHEN. I'm sorry?

Colonel CORNELL. I always felt that he was being given all the information.

Senator COHEN. That's' your belief.

Colonel CORNELL. That's a personal opinion; I don't know that. I don't have knowledge of that for a fact. I know I gave him everything, because he read everything we wrote and everything we did.

Senator COHEN. Mrs. DeVine, you hired a private investigator?

Mrs. DEVINE. Yes, I did.

Senator COHEN. And almost immediately after your hiring a personal investigator, you started to get information that was helpful to you at that time?

Mrs. DEVINE. Definitely, yes.

Senator COHEN. Can you tell us why it was a personal investigator was able to get information where the embassy or other officials were not able to do so? I mean, what kind of access did he or she have that was not available to you through the official channels that you tried?

Mrs. DEVINE. Since I really don't know how things like this work, it was two days after we buried my husband that I had a meeting with this private investigator who was referred to me by a very good friend, and my prospective lawyer, who turned out to be the lawyer that I did contract. I had no idea how to proceed. Like I really am not sure now. I was just being guided along and this particular investigator had lived in Guatemala a number of years and he had handled very delicate cases with great success before that. And I didn't know if it was my responsibility to acquire an investigator or if the embassy—at this point I hadn't even met Ambassador Stroock. I was on my way to meet the ambassador, but an hour before I met him, I met my investigator.

And no one ever said that you shouldn't hire an investigator, the embassy will take over and do it. It just flowed, and we all worked together, and I always thought that was the way it was supposed to be, because I really don't know. But it worked.

Senator COHEN. Now, you indicated that your attorney had been threatened, driven off the road——

Mrs. DEVINE. He had been threatened on many, many occasions, as well as the investigator, close friends, people that work for me, witnesses.

Senator COHEN. What about you, have you been threatened?

Mrs. DEVINE. I personally hadn't been threatened, no.

Senator COHEN. And Mrs. Harbury, what about you?

Ms. HARBURY. In the last, on the hunger strike, a truck drove—a car drove in front of the national palace and hung a machine gun or some large shotgun out the window—I was asleep. I was threatened with deportation, they were saying I had entered the country illegally, even though I had the stamp on my passport. They sent the equivalent of a lynch mob out until I started telling police that we don't have to do another travel advisory, it would be bad for your tourist industry, then they all left. I was put number one on a list of eight in a death list, a hit squad list that was published in the papers the day I got taken out to the cemetery. I have had frivolous law suits filed against me. I have difficulty getting any stamps from the consulates. The last I heard, after IMET was cut off, there were headline banners saying that I admitted in my book I was a gun runner for the guerrillas. Funny thing, I wrote the book and I don't remember that particular quotation. And I understand now that although Colonel Alpirez has not been detained and, in fact, the president is suggesting he sue Mr. Torrecilli for slander, but if I returned to the country, I would be immediately subject to arrest as a subversive.

Senator COHEN. Well, I was particularly interested in the statement that was given to you that just one person shouldn't impede the peace process. It struck me, as I was listening to you say that, I was thinking of the quote attributed to Stalin, who said that the death of one person is a tragedy, the death of a million, a statistic. And it seems that it has almost been inverted in your case and that your husband's death has been treated much like a statistic rather than a tragedy.

Ms. HARBURY. Well, it was very terrifying for me, and which I left my Guatemalan friends had been in agreement with. And I would point out I have a letter of support signed by 25 of the leading indigenous rights groups and widows co-ops, et cetera, in Guatemala, was that with this level of clear evidence, never again will we have this much evidence, an eyewitness that can name all of the top level colonels and majors, first names, both last names, rank and position, date and place, together with confirmation by the CIA, this is never going to happen again. And I knew that if I just gave up and let this happen and they got away with it, then there go another 150,000 civilians. I just couldn't let that happen. It's not an individual case. It was landmark test case.

Senator COHEN. Mrs. Harbury and Mrs. DeVine, let me say that you have given some of the most powerful and passionate testimony I have ever heard, and you have carried it yourselves with I think great grace and restraint under the circumstances. The old expression about one man with courage makes a majority has to be revised now. We have to say two women with courage can make a revolution, in terms of our relationships with other countries. And I really believe that what you have done personally in terms of your own personal persistence and perseverance and heroism as

such can change our attitudes and not simply permit your husband or Mr. DeVine to be a statistic in the relationship while pursuing this peace process in Guatemala.

But thank you very much for coming before us.

Vice Chairman KERREY. Senator DeWine.

Senator DEWINE. Thank you, Mr. Chairman.

Mrs. DeVine, you have lived in Guatemala for 24 years, I believe you said.

Mrs. DEVINE. Yes.

Senator DEWINE. Could you describe for me what your weekly contact would be, if any, with the military, or your observations of the military? What—for the area where you lived, what contact would you have, or what would you observe?

Mrs. DEVINE. Are you speaking at the present time or in the past? It changed.

Senator DeWine.

Senator COHEN. Tell me the difference. Talk about both.

Mrs. DEVINE. When Michael and I first arrived in Poptun, the army played a bigger role in the community. They would do things like work on the roads. It was a construction battalion. And they would often have dinners, formal—very, very formal affairs out in the middle of nowhere, in the middle of the jungle. The town had no electricity, but they would have these beautiful dinners, marimba music, and we would receive engraved invitations by the commander to go to these affairs, which we did.

And as time went on, the construction battalion was moved to another area, and new people came in, and there was less and less contact with the local townsfolk.

And Mike and I owned a cafeteria in the town—a very small town of Poptun, it's like a frontier town. And soldiers and officers would come in. We were one of the very few restaurants in town. We weren't a bar. It was a very decent place. Very reasonable prices. And people could come in, the Indian people, the local folks that didn't have a lot of money, could have a hamburger which they didn't even know what they were most of the time—we had to educate them. And they could bring their family in for a cup of hot chocolate and feel like they went somewhere. Before there was nothing like that in the town of Poptun.

Well, because of the business, we got to know more soldiers, their families, the officers. But in reality, our social life had very little to do with anybody in the military. We were closer to the local townsfolk, the school teachers, some specialists in the army, which just means like a man goes to work for the army but he is not a part of the army and he goes home to his house at night in the town of Poptun.

But basically we were not on friendly terms, meaning friends, friends to visit in the evening, with anybody in the army.

Senator DEWINE. Did that change over time? Or was that the change?

Mrs. DEVINE. That was in the latter years. The first 10 years, yes. After that, no. Then, after my husband's—always, though, because we ran a camp ground and guest house, people were curious about us. Whenever there were visiting dignitaries to the base of Poptun, the commanders or officials would bring them out to intro-

duce us, for Mike to show them around our farm. We were doing things that they hadn't heard of, like organic farming. So we did frequently have visitors. But it was still more in an official sense, not friendly-friendly.

After the death of Michael and the new commander came in, about two years ago, things changed. He was under orders from General Kilo who was the minister of state or something like that—he's with the army. To take care of us out there. So the commander of the base came out with his family, two boys, frequently. He had dinner, very polite man. He was one of the new style officers that Colonel Cornell was telling us about, that looked to the future. He was a very gentle, I felt, honest man, and he would bring his officers out and they would bring their wives out. It was nice. I wouldn't ever say we were friendly-friendly, but they made an effort.

Senator DEWINE. Thank you.

Colonel, you served in Central America and South America for some time. Where would you place Guatemala on the scale as far as human rights violations?

Colonel CORNELL. Well, that's difficult, because there are so many countries in Latin America, so many I haven't served in.

Senator DEWINE. I understand.

Colonel CORNELL. But I would say it's toward the bottom of the rung. It's got a ways to go from what I've seen in a lot of the other countries.

Senator DEWINE. During the time you were there, you have described—well, I'll let you categorize it, I won't—improvement?

Colonel CORNELL. Yes, sir. Yes, sir.

Senator DEWINE. You, in response to another question that was asked, talked a little bit about the use of the intelligence information that you received, the embassy received. And I understand and you understand we are in a public meeting, but I wonder if you could give us a little more feel, without getting too specific, about how valuable that type of information is? I mean, you described it as vital, enabled you to get to the bottom of cases—I assume you meant human rights violation cases. Because I think it goes to one of the bigger questions that has to be looked at, not just in regard to Guatemala, but obviously in regard to the use of the CIA in this era.

Colonel CORNELL. In a real time sense, in my experience in Guatemala, there were instances where information received allowed us to react quickly with the host government or react quickly with other sources to try to save someone's life.

Senator DEWINE. Did it save lives do you think, or not?

Colonel CORNELL. I think it did, yes, sir. I wouldn't say a lot of them, but I would say there are situations where our quick intervention as an embassy, based on information slipped to us really had an impact or really got a favorable reaction when we didn't expect it.

Senator DEWINE. I assume the situation was that in some cases the information was good and in some cases the information wasn't good?

Colonel CORNELL. Well, that happens, but, yes, sir. But I would say most of the time it was good. It also helped us in another way,

not so life threatening, but through information received like that about human rights, it helped us go to the host government, when we would hear, for example, of some important changes or important appointments within the military, it would allow us to go to the host government and say, you guys are making a big mistake. You're going to put so and so in that job? With his background? And they would look at us like, how do you know that? And all of a sudden you would see them back away or you would see a change of assignment and it was directly a result of information we had found out and we would go and we would raise the issue. And it was information on human rights and information on suspicion of an officer, for example, involved in drugs.

Senator DEWINE. You described a situation in regard to—speaking of drugs—Guatemala being a transshipment point for drugs. How did that change over the period of time you were there, if it did, and again in regard to the information you were receiving, the intelligence information, what impact did that have on what you did? Did it matter?

Colonel CORNELL. No, it had a major impact on seizures and working together. You can have the information, but you've got to be able to work with the host government. In the case there, the treasury police are responsible for—they have the arrest authority in drug cases. So the DEA and the embassy would have to work with the Treasury police to make seizures. And the intelligence provided by Guatemalans who were key in taking down those seizures.

Yes, sir.

Senator DEWINE. Thank you, Mr. Chairman.

Vice Chairman KERREY. Thank you, Senator.

Senator Hutchison.

Senator HUTCHISON. Thank you, Mr. Chairman.

I want to say, as several members have, that the testimony, Ms. Harbury, and I missed your's, Ms. DeVine, but from the followup, I will just say I appreciate the loyalty and the tenacity that you have to your late husbands. I think that you have shown a lot of guts and I appreciate it very, very much.

This morning I said I thought there were basically three issues here. First is the policy regarding the information that comes to this Committee as the oversight Committee for the CIA, and how important I think it is because of the nature of covert operations, that the communications be very open, so that we can put some judgment into some of these very difficult issues. And I am very concerned about the fact that after the death of your husband, Ms. DeVine, the issue was brought to the Justice Department, which I certainly appreciate the fact that the officials felt that we should try to prosecute the murderers of your husband. But nevertheless, we were not informed and therefore this potential CIA asset continued to be paid by the United States after there was suspicion that he was involved.

That is a policy with which we must deal, but certainly your courage has brought that to our attention.

The second issue is the policy regarding the standards we have in the CIA for our assets. And once again, you have brought this

to our attention with your bravery, but it is something that we must deal with, and I assure you that we will.

The third issue is the basic treatment of American citizens by the Department of State. This morning I asked the Secretary of State, the Assistant Secretary, Mr. Watson, if he felt that the State Department had been forthcoming with both of you regarding your circumstances? They are different, but clearly you both had need of help and information and still do, regarding your husbands. Secretary Watson said he felt that they had been forthcoming. And yet I hear your testimony that you had to go to an open records request and you got the certified copy of a press release. I would like to ask both Ms. Harbury and Mrs. DeVine how you feel you were treated by the State Department, and particularly since I didn't hear your testimony, Mrs. DeVine, I would like to know if you felt they were forthcoming with regard to your situation. And then I would like Ms. Harbury to add to that.

Mrs. DEVINE. I always thought they were, but right now I am not so sure. I mean, I am sure that the embassy did everything that it could and shared with me everything that they knew. But I am not so sure that there wasn't more to it that they and I didn't know, and that's what we would like to find out.

Senator HUTCHISON. Do you feel—and I still want to give you an opportunity—but Mrs. DeVine, do you feel that you got information from the CIA or from the State Department, actually—you wouldn't perhaps have dealt with the CIA—but from the State Department, that was significant in comparison to what your own private investigator has brought you?

Mrs. DEVINE. I felt that they always shared information and worked together from the very beginning and still are, as far as I know it.

Senator HUTCHISON. So you do feel that they have been forthcoming .

Mrs. DEVINE. Yes.

Senator HUTCHISON. Ms. Harbury?

Ms. HARBURY. You've heard my testimony, of course. I feel that they were dishonest with me in a very positive sense. And that the intentionally led me to believe that their opinion that my husband was dead was only an opinion and nothing more, when, in fact, there was concrete evidence that he had been ordered executed. There is a gulf of a difference there and they were willing to let me risk my life on a second hunger strike without telling me that, because it was embarrassing.

I would also like to add that there is a coalition called Coalition Missing of myself and a number of other U.S. citizens, including Mr. Blake, the brothers of Nicholas Blake, the journalist who was killed there, and also Diana Ortiz, and a number of other of us. We have all either ourselves been abused physically or tortured in the case of Sister Diana Ortiz, or ourselves lost a family member there as in my own case, or in the Blake family case, and I don't think any of us are satisfied with the assistance we received from the U.S. Embassy, although we do understand that Mrs. DeVine was treated, you know, as she herself was saying, she's been satisfied with her treatment. But none of the rest of us are. No, we've been very dissatisfied.

Senator HUTCHISON. You said that you thought you had to go the open records request route and that was not satisfactory. Let me say, I think that in defense of U.S. officials, if there is classified information, obviously there has to be a judgment call about what can be revealed because it might harm someone else. I think that is a fair statement.

On the other hand, I think that we do need to look at the policy of what is shared, particularly in a situation like your's where your husband was missing really, and you were trying to confirm just a closure, and I know a closure would be very comforting, even now, knowing for sure one way or the other. And I want to look at that policy as well.

I have not heard this just from you. I have heard from many people, through the years, not in a partisan way at all, during Republican administrations, during Democrat administrations, the State Department has not been forthcoming or helpful many times to our citizens, and that may or may not be fair, but I certainly think that we ought to keep looking at that issue and making sure that to the extent that we can be, that we improve that cooperation, because many times, when a person is overseas, they have really no other help and no one to look to other than our own U.S. representative. And that is something that once again, this coming to light just focuses a need that I think we must address.

Let me just ask one other question, and perhaps Colonel Cornell could also add to this, and I would throw it out to any of you, not as experts, but as people with real world experience in Guatemala. The President has cut off funding now to the army units in Guatemala except for the anti-drug smuggling. Well, from what I have heard from you today, it seems that there is a lot of suspicion that there are army personnel involved in the drug smuggling. So I would just ask you from your experience there if you think that the Cali Cartel drug unit, or I guess anywhere else, does it come through Guatemala, do you think that the money that we would still be spending on the efforts to shut that down are also possibly being diverted to the same types of people that would be actually doing the drug smuggling themselves? In other words, are we continuing to throw money down a rat hole, even as we have cut off everything but that?

Ms. HARBURY. Yes. And I would recommend reading the 18 writings of a journalist named Mr. Frank Smythe. He has read through all of the embassy files, and as is common knowledge in Guatemala, most of the really serious drug runners are high level military officials. They're the ones with the airplanes. Most Guatemalans can't afford food, let alone an airplane or a strip of land where an airplane could land. And any money that goes to drug trafficking that goes to the army. It's not going to end drug trafficking. No, I mean. I think that is something we have to look very carefully at.

Senator HUTCHISON. Who did you say, Mr. Wyeth?

Ms. HARBURY. Frank Smythe. He wrote a recent article in the Wall Street Journal which I think exposed that a number of extradition requests of high level military people that we know are involved in drug trafficking, that those extradition requests have not

been respected. That was within the last 30 days that that appeared.

Senator HUTCHISON. Colonel?

Colonel CORNELL. Well, I have a different view. I don't believe the Guatemalan army, as an institution, is involved in drug trafficking. I know about Guatemalan officers having been involved and I am sure there are some still involved. It is true that the army has kicked out in probably the last four or five years upwards of 20 to 25 officers because they were involved in drug trafficking. They kicked them out because they didn't have enough evidence to try them. Example. An air force colonel flew an aircraft up to Texas without applying for leave. And when they discovered he had left country and came back, they figured the only excuse for him doing that without telling anybody was that he probably got involved in drug trafficking. So they held an honor board and kicked him out.

We did try to extradite a lieutenant colonel—I don't have a grasp of the name right now, but we weren't, at least up to the time I left, able to get him extradited. It was a legal problem. But the army kicked him out and put him on the streets.

So I am not sure, listening to your question, where this money is going. I wasn't aware that any money was going to the army with regards to the drug program. I thought it was primarily being funneled through the embassy to support the treasury policy. So maybe I am not well informed in that specific area.

Senator HUTCHISON. I am only reading the newspaper, and from what it says here, it appears there is that one amount of funding that would go to intelligence related activities regarding drug smuggling, so——

Colonel CORNELL. Oh, strictly to intelligence related activities, yes, that possibly is. But the intelligence directorate in Guatemala has always been very forthcoming with intelligence on trafficking. They have played a key role in that whole drug war.

Senator HUTCHISON. Thank you.

Did you want to add, Mrs. DeVine, because my time is up. You are welcome to.

Mrs. DEVINE. The only thing I know is that rumors abound amongst my Guatemalan friends that army officials are involved in drugs. That's it. Rumors. I don't know any more.

Senator HUTCHISON. Thank you.

Vice Chairman KERREY. Thank you, Senator.

I have statements that Senator Baucus and also Senator Mack wanted included in the record.

[The statements of Senator Baucus and Senator Mack follow:]

OPENING STATEMENT OF SENATOR MAX BAUCUS

I would like to thank the Chairman and Vice Chairman for holding this very important hearing. We have all been seized by the allegations in the press of CIA involvement in Guatemala. The importance of this hearing, therefore, is the fact that it is being held under the full scrutiny of the public. Now that important allegations of CIA misdeeds are before the public, we all must work to get accurate information to them. Intelligence is extremely important, but the American people have difficulty supporting this activity when these sorts of allegations arise and they remain unanswered.

I am hopeful that the Committee's investigation into the allegations will answer some very important questions.

Was the CIA a channel for funds to the Guatemalan Government after official funding had been cut off in the wake of the brutal murder of the American, Michael DeVine?

Were any funds used by the CIA consistent with U.S. policy at the time?

Were all CIA activities within full view of U.S. policy makers, both in Guatemala and in Washington?

Did the CIA knowingly support people in Guatemala who were suspected of perpetrating human rights abuses?

If CIA personnel acted outside U.S. policy, have they been held accountable for their actions, and what actions have been taken to hold them accountable?

I realize that some of the answers to these questions may be difficult to answer in an open forum. But as we are all well aware, CIA's future is being seriously questioned. One of the most important issues being raised about their future concerns accountability. This Committee seriously questioned whether those involved in the Aldrich Ames spy case had been properly held accountable for their actions. At the time that we were looking into the Ames case, I believed that they had not been. In the issue before us today, the question of accountability is even larger. Not only am I concerned whether or not members of the CIA are being held accountable for their actions, but was the CIA itself accountable to policy makers who were trying to pursue a consistent foreign policy with regard to Guatemala and alleged human rights abuses there?

So Mr. Chairman and Mr. Vice Chairman, thank you for holding this public hearing and for getting the Committee involved in this very important matter. I am sure that the Committee's report will help the American people to understand better what has happened.

Opening Statement of Senator Connie Mack

Congress has an obligation to ensure that U.S. intelligence agencies operate within the law and in a fashion consistent with U.S. interests and values. Congress also has a responsibility to ensure that the intelligence community has the resources, organization, and personnel necessary to effectively support civilian policymakers and the U.S. military. In order to simultaneously meet both objectives—conducting oversight while protecting U.S. national security—the Intelligence Committees in both Houses of Congress conduct almost all of their deliberations in private.

Last year, there was a public clamor for information regarding the Ames case. The Senate Intelligence Committee responded, after a thorough and lengthy investigation, by publishing a detailed report, passing counterintelligence legislation and making administrative recommendations to improve U.S. counterintelligence practices. The Committee did not, however, hold public hearings on the Ames case or release information until after it had carefully gathered and assessed the facts. In my view, that is also the approach that the committee should follow with regard to the recent allegations concerning CIA activities in Guatemala.

Unfortunately, today's hearing is being held at a time when security classification prevents committee members from candidly questioning the witnesses or stating facts that are critical to the issues that will be raised. Without in any way intending to do so, this hearing could therefore mislead the public. Alternatively, or in addition, this hearing could inadvertently lead to the disclosure of sensitive information.

I believe that as a result of the investigations being undertaken by the House and Senate Intelligence Committees, the CIA, NSA, and Army IG's, the President's Intelligence Oversight Board, and the FBI, virtually everything connected with intelligence activities in Guatemala will soon come to light. Holding a hearing at this time, however, when members and witnesses are severely constrained by the classification of critical information, and the sensitivity of ongoing investigations, seems at best awkward and at worst a potential disservice to U.S. government employees, the families involved, and the public. Consequently, I expressed my concerns to the Chairman and informed him that I would not be participating in the hearing.

Vice Chairman Kerrey. I think it relevant to read at least part of a statement that was provided—testimony provided by Mr. Robert M. Bryant, Assistant Director, National Security Division, Federal Bureau of Investigation, regarding a copy of a letter sent to the Attorney General from Congressman Torricelli, a letter sent for an allegation that an Army intelligence officer currently assigned at NSA is involved in purging records regarding communications intercepts which show U.S. Army Intelligence involvement in the

murders that we are discussing today. DOJ referred this to the FBI on March 29.

On March 30, the FBI was tasked by DOJ to investigate allegations of possible obstruction of justice. The investigation was initiated at NSA to determine if any records were being destroyed.

On March 31 contact was established with the respective Inspector General elements of the CIA, Department of Defense, and Drug Enforcement Administration regarding the alleged destruction of materials and the possible obstruction of justice.

As a result of the FBI's investigation into the possible obstruction of justice, the FBI is aware that separate inquiries are being conducted by the respective IGs of the Central Intelligence Agency, the DOJ, NSA, and the Department of Defense. The FBI is unable to comment on the scope and current status of each.

[The statement of Mr. Bryant follows:]

PREPARED STATEMENT OF ROBERT M. BRYANT

On 3/29/95, the Department of Justice (DOJ) referred to the FBI a copy of a letter sent to the Attorney General from Robert G. Torricelli, a Member of Congress. The letter set forth an allegation that an Army Intelligence Officer, currently assigned to the National Security Agency (NSA), is involved in purging records regarding communication intercepts which show U.S. Army Intelligence involvement in the murder of Michael DeVine in 1990, and Efrain Bamaca Velasquez in 1992.

On 3/30/95, the FBI was tasked by DOJ to investigate allegations of possible obstruction of justice. The investigation was initiated at NSA to determine if any records were being destroyed or purged regarding the allegations as set forth by Congressman Torricelli. The FBI is undertaking the appropriate investigation, including interviews and review of documents, in connection with this matter. However, the FBI is not involved in directing or participating in any other criminal investigation(s) at the present time.

On 3/31/95, contact was established with the respective Inspector General elements of the Central Intelligence Agency, the Department of Defense, and the Drug Enforcement Administration, regarding the alleged destruction of materials and the possible obstruction of justice.

As a result of the FBI's investigation into the possible obstruction of justice, the FBI is aware that separate inquiries are being conducted by the respective Inspector Generals for the Central Intelligence Agency, the DOJ, the NSA, and the Department of Defense. The FBI is unable to comment on the scope and current status of each.

The FBI's investigation into the alleged obstruction of justice is pending and will be resolved as soon as possible after appropriate consultation with DOJ.

Vice Chairman KERREY. Colonel, and Mrs. DeVine as well, and Ms. Harbury, I would like to talk about current status in Guatemala. We are going to be going into closed session in another 15 or 20 minutes and we are going to be trying to decide, not just then, of course, but at points here in the future, precisely what it is that we ought to do. I mean, for your information, there are four Guatemalan legislators in town this week. Staff will be meeting with them to discuss some questions that they have as well, so there is contact that is continuing.

But in order for me to sort of ascertain what might be possible, it would be useful to kind of walk through Colonel Cornell, what caused the Guatemalan government to take action as they did in 1991 and 1992. I mean, Mrs. DeVine said regarding this first ever conviction by a military tribunal, it took a great deal of courage to do it, it demonstrates that people are willing to risk their lives, though you go on to say quite accurately, the truth is not yet been identified. It does seem to me that there are the rudiments of a jus-

tice system operating there and certainly with a kind of human rights abuses in the country, it's not the sort of thing that somebody typically thinks of when you're looking for redress for these kinds of grievances. I need to look there to try to discover whether or not courses of action that we are going to consider likely can be successful.

As I understand it again, Colonel Cornell, from your testimony, after you met, defense and naval attache had a visit on July 18, 1990, that five names end up being identified by the private investigator that Mrs. DeVine had hired. Ambassador Stroock then presents this list to the defense minister. And sometime in September 1990, the ambassador recommends action to the Department of State in December 1990. Suspended limited aid that was being provided about that time, around the first of the year. Serrano was elected in January with a new minister of defense. Stroock now says no military aid, that's about the time they were going to make him persona non grata. The five that were held in jail implicate seven others and then you end up with a military tribunal that takes action, not until when—not until September 1992.

What was successful during that? I mean, what—again, is it—is it pressure from the ambassador? Is it the cutting off of aid? Is it public opinion in Guatemala, I mean, what sort of things occur there that would provide you, if you were sitting in my diminutive shoes, what would you consider on your list of things to do at this point in time?

Colonel CORNELL. That's a good question.

Vice Chairman KERREY. Again, if the goal is still to advance democracy and improve the environment for human rights in Guatemala?

Colonel CORNELL. When Ambassador Stroock, with the State Department instructions, in essence the State Department or the U.S. Government cut off assistance to Guatemala, we really didn't get much of a reaction out of the minister of defense. It didn't seem to bother him that much. But it was important in the process, because when President Serrano fired him in December 1991 and appointed a General Garcia Samayoa as minister and General Roberto Perussina as army chief, they immediately turned all that attitude around. They called me into the office. They said look, we know you have been having a rough time up to now on this DeVine case, but we're going to solve it. We're going to open the doors, we're going to tell the tribunal to get moving, and we want this thing resolved. And the attitude of those two generals was completely different than their predecessors.

And I think a lot of it, the pressure contributed to that. These two generals felt that the image of the army was suffering and it needed to be repaired. The generals prior to that just weren't—we just weren't able to motivate them strongly enough. So the pressure did help, but it helped with the next pair of generals that came up.

Vice Chairman KERREY. And President De Leon was elected last June 5 by the Congress to fill out——

Colonel CORNELL. He was elected in June 1993 to fill out the rest of Serrano's term. Yes, sir.

Vice Chairman KERREY. So he's been in place almost two years?

Colonel CORNELL. Yes, sir. The new president will come in next January.

Vice Chairman KERREY. There will be an election in——

Colonel CORNELL. Be an election in November.

Vice Chairman KERREY. Of this year.

Colonel CORNELL. Of this year, yes, sir.

Vice Chairman KERREY. And is there campaigning going on right now then?

Colonel CORNELL. Well, Carole could probably tell you more than I. I am hearing just little bits and pieces that there's a lot of maneuvering going on, but there'll be first rounds in November and if nobody wins by 50 percent or more, then the second round of the top two candidates will occur beginning in January, and two weeks later the new government moves in.

Vice Chairman KERREY. Ms. DeVine, can you talk about the elections? What is the environment? What is the environment for democracy amongst your Guatemalan friends?

Mrs. DEVINE. Well, that's very difficult for me. There were something like 20 candidates the last time I read a paper, and of course, I don't know how many are really going to end up running for president. Everybody has high hopes and the presidents promise you the world.

Vice Chairman KERREY. Is the army the strongest institution in the country?

Mrs. DEVINE. I believe it is.

Vice Chairman KERREY. And is there a standing army in Guatemala in excess of what is necessary to maintain order, would you say, Colonel Cornell, in your experience?

Colonel CORNELL. No, sir, I wouldn't say it is excessive in terms of per capita. The unfortunate part about Guatemala, there just hasn't been enough resources. It's a very poor country. They are not able to hire a lot of police and when they do have police, they are not able to train them very well, and in the area where Carole DeVine lives is larger than El Salvador and it only has 80 policemen on duty—I mean 80 policemen period. That's treasury policy, national police, customs police. So you may have 20 or 25 on duty at any one time in an area larger than El Salvador, with 300,000 people.

Vice Chairman KERREY. So what is the value then of providing X millions of dollars a year for military intelligence?

Colonel CORNELL. I am not sure I understand where that question——

Vice Chairman KERREY. Well, we were providing X millions of dollars to Guatemala, were we not, to improve the quality of their military intelligence. Yes, is that——

Colonel CORNELL. I suppose. I wasn't involved in that program, sir.

Vice Chairman KERREY. Well, what kind of development assistance were you providing during your period of time there? That was the second D on your list? I mean, what——

Colonel CORNELL. There was a number of programs through AID. It was starting to be scaled back when I arrived, but as I think Ambassador Watson said, a total of over $900 million in assistance through the 1980's into the 1990's. It was in all variety of things,

from small businesses to helping farmers, it was in all kinds of sectors, economic sectors.

Vice Chairman KERREY. Ms. Harbury, were you going to——

Ms. HARBURY. Yeah, I would like to comment just very briefly on the two issues that you just raised. I mean, it is true that there are few police in Guatemala. Guatemala is a Mayan country. They are 70 percent Maya. They have had their own way of policing their people and taking care of their regions. And I would like to point out, until the army began its rampage of counterinsurgency, there weren't massacres, there weren't burning villages, there weren't any of those things. If you read the recent MINUGUA Report, the investigatory report by the U.N. team down there, the army has a virtual monopoly on human rights violations. It's not common crime.

If we want the country to be able to settle down and institutions to begin to grow, we've got to get the army off the backs of the courts, off the backs of the police, and out of these villages. The same goes for the electoral process. There can be a million candidates running, but if none can run on an independent platform without fear of assassination, there can be no reform and therefore no change. And meanwhile there still remains a very large chunk of the Mayan population that hasn't even been registered to vote. So I don't see a very good prognosis, no. I think it will be very similar to the last election where almost no one voted, and as a result Rios Mont, known to be the worst human rights violator ever in Guatemala, let alone the hemisphere, is hoping to run for president again and has already been elected to a high position in the congress.

Vice Chairman KERREY. What do you make then, Ms. Harbury, of the coalition of student, business, and military forces that forced President Serrano from office in June 1993.

Ms. HARBURY. I thought that that was very wonderful, that Serrano was forced from office for his improper efforts. I thought it was also very good that Clinton cut off all moneys immediately to Guatemala. That's why De Leon Carpio was able to become president. The problem is that we didn't follow up on it and the Guatemalan civilians weren't strong enough to follow up on it.

Vice Chairman KERREY. But was the military a part of that coalition to force President Serrano from office?

Ms. HARBURY. No, I don't believe they were.

Vice Chairman KERREY. Colonel Cornell, in your chronology, you said that they were.

Colonel CORNELL. They were the major player, yes, sir. They were the ones that finally went to the president, eyeball to eyeball, and said you're going to have to leave.

Ms. HARBURY. But then they also tried to put the vice president in. It was not the army's idea to put De Leon Carpio into power. That's why De Leon Carpio's cousin was assassinated shortly after he came into office. It was a warning to him.

Vice Chairman KERREY. Do you agree?

Colonel CORNELL. No, sir.

Vice Chairman KERREY. What's your view?

Colonel CORNELL. All evidence indicates that the death of Jorge Carpio was a criminal activity by a gang of thieves that operated

on the road between Chichicastenango and the main highway to Guatemala City. We had had a number of incidents before where those same thieves had stopped, even bus loads of people—had a soccer team from Puerto Rico stopped and everything was stolen by those thieves. They always worked at night. And Jorge Carpio chose to drive back to the city late at night and ran into that group. That was the evidence we had by the time I left. There was no evidence it was politically motivated at all.

Ms. HARBURY. In fact, he was assassinated very near a military base on a rural road by I think 27 or 25 gunmen, with ski masks, military style rifles and boots, yelling "Get Carpio." Both the widow and daughter-in-law have tirelessly worked to uncover that it was the army that assassinated their father-in-law and their husband. I believe that both the United Nations and the local archbishop's office, et cetera, have long since accepted that this was an army assassination.

Of course, this all did come to light, I think, Colonel Cornell, with all due respect, after you had left. Because I had heard at the beginning that it was believed to be a gangland killing. That is not the accepted interpretation any longer.

Vice Chairman KERREY. Anything else, Colonel Cornell, on that?

Colonel CORNELL. Just to make a comment. The officers were scared when Serrano took over the government, what the autogolpe, or the self coup, because they, especially the mid and junior range officers felt they were heading in the right direction, complete democracy. And they got scared they were going to get thrown back to the days of the early 1980's or the late 1970's all over again. And so they really spoke up.

Once Ramiro De Leon Carpio came into office—up to that time he was not a friend of the army, I'll tell you that—he took the army to task on every human rights case that he thought involved the army—he took them to task. But a number of officers got me aside quietly and said, you know, we may not know this guy and he may not know us, and we may have been, you know, on opposite sides of issues for the last three years, but a number of officers said, you know, it is probably the best thing that is going to happen for the army to have somebody of his caliber and his credibility to keep us going in the right direction—keep us going in the right direction.

Vice Chairman KERREY. Has it been good?

Colonel CORNELL. Well, I left then in January 1994. Up to then I thought the relationship between the military and De Leon was a good one, up to the time I left, and I thought they were working well together to get things done.

Vice Chairman KERREY. Have you made contact with the country since then?

Colonel CORNELL. No, sir.

I made a few calls to the DAO down there to see how things are going, but you can't discuss things on an open line.

Mrs. DEVINE. I just might make a comment. It seems that we all had high hopes in Ramerio De Leon Carpio. But one man against an institution like the army, the very powerful, he hasn't done as well as we had hoped. He hasn't got whatever it takes to strength—they're just too big for him. We think he has tried, but he hasn't been as successful as we had hoped.

Vice Chairman KERREY. How many people in the army, do you know, Colonel? How large the army is?

Colonel CORNELL. Approximately 40,000.

Vice Chairman KERREY. 40,000, population 10 million?

Colonel CORNELL. Approximately, yes, sir.

Vice Chairman KERREY. Senator DeWine?

Senator DEWINE. Nothing further.

Vice Chairman KERREY. How does that compare—I'm not that good at math—to U.S. forces?

Colonel CORNELL. It compares about the same, sir. We used to play with that figure when we were on station to see because there's been so many accusations that they were too big or there were accusations from neighboring countries that said, you know, you should decrease the size of your army and all of that, and they would say wait a minute, if we're going to decrease the size of armies, we all need to do it as a per capita issue, and so we used to play with the numbers. And so it was about the same ratio as ours.

Ms. HARBURY. Again, just answering to several different issues. It's not a matter of just the army in Guatemala. There's the standard military forces. Then I believe there's an enormous number of civil patrollers together with the security forces that are not your standard soldiers. These would be all of the different treasury police, et cetera, et cetera. When all of those are taken together, we have the most militarized nation in the Western Hemisphere. You can't get two feet in Guatemala without going through a checkpoint, et cetera, et cetera.

And I did want to say one word also about the current president of Guatemala, because before he became president, I met with him on my case—he was actually very kind to me and very professional and was storming up and down the room, behind bullet proof glass, and heavily locked doors, saying God only knows what the army is up to in this case, you have every right to be suspicious, this is terrible. He is a great man.

After his cousin was assassinated, as I said, he reversed all of his human rights positions, one by one, publicly. He has not been able to speak up or lift a finger for his own relatives who are under death threats and being run out of the country since they named Colonel Merida, the one who was in charge of the assassination of his cousin, and also he's always refused to meet with me. He now says that in all his time as human rights procurador, he never saw any evidence of a clandestine prison, yet he is the one who investigated the case of Diana Ortiz, the nun that was raped and tortured there in a clandestine prison. The man is working with a gun to his head. I share Carol DeVine's opinion of him. He's a good man who can do nothing. The army is too big for him. The army is too big for all of Guatemala.

Vice Chairman KERREY. Senator DeWine, if you don't have any additional questions, I will thank all three of the witnesses. Mrs. DeVine, you asked us specifically to continue to support you and I pledge that I, and I suspect the Committee will do all that we can to provide that support. Ms. Harbury, you asked for among other things, declassification of information and the Committee will take that up.

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Ms. HARBURY. I wish to bury my husband.

Vice Chairman KERREY. I thank all three of you for your testimony and for your coming here today.

Ms. HARBURY. Thank you very much.

Mrs. DEVINE. Thank you.

Vice Chairman KERREY. This hearing is closed.

[Thereupon, at 4:15 p.m., the hearing was concluded.]

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